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Regulation and Policy Matrices

A Guide to the Rules Governing Grants Awarded under the Construction Grants Program

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REGULATION AND POLICY MATRICES

A Guide to the Rules Governing Grants Awarded Under the Construction Grants Program

Prepared for:

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Office of Municipal Pollution Control
Office of Water
U.S. Environmental Protection Agency

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TO: Users of the "Regulation and Policy Matrices" (Matrix)

This is a revised and updated version of the "Regulation and Policy Matrix," published in December 1983.

Originally, the Matrix was to be updated by distributing to its holders three-hole punched insert pages covering new and revised regulations and policies issued during the interim period. However, due to the fact that, in producing the Matrix, binding instructions were not followed, plans for keeping the texts current could not be carried out. In addition, because the introductory and explanatory information in the front section of the Matrix needed considerable rewriting and because the many changes to the regulations in 1984 and the publication of a new edition of the Handbook of Procedures required extensive updating of the matrices covering those areas, it was decided that a total reprinting of the Matrix at this time was was advisable. With this revised, updated and reformatted text, future updatings can be achieved readily, i.e., in the manner provided for in the original plan.

Accordingly, holders of the Matrix will receive updated information (i.e., three-hole punched insertable sheets) annually. A chronological digest of construction grant regulations, promulgated between July 1, 1984 and June 30, 1985, designed to supplement the 1984 edition of Title 40 of the Code of Federal Regulations, will be distributed in August 1985. Concurrently, updated policy matrices reflecting changes in allowable and eligible costs contained in other (non-regulatory) documents issued during that period will also be distributed.

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INTRODUCTION

The "Regulation and Policy Matrices" (Matrix) was developed in response to a need for an improved method of identifying U.S. Environmental Protection Agency's (EPA) regulations and policies applicable to grants awarded under the Municipal Construction Grants Program. The problem of identifying applicable regulations and policies arises most often at the time of audit, which may take place anywhere from five to ten or more years after the initial grant award. When a construction grant project is completed and the grant is ready for closing out, auditors, Regional EPA, State, and, at times, Corps of Engineer personnel are faced with the task of reviewing and confirming (in some cases reconfirming) that costs incurred and claimed by grantees and paid by EPA are, in fact, allowable for grant participation. This task can become quite burdensome recognizing that the statutes, regulations, policies and guidance administered by EPA underwent significant changes over the ten year span between 1972 and 1983 and, during that same period, more than 22,500 grants were awarded.

In addition, because of the potential impacts of wastewater treatment works projects upon the environment and economy, grant recipients are required to comply with 54 other Federal laws and Executive Orders, not the least of which is the National Environmental Policy Act. Changes in these laws contributed to the need to revise the program regulations, 40 CFR Part 35, at least 50 times since 1972. In addition, other regulations, which directly impact the Construction Grants Program, (e.g., 40 CFR Parts 6, 25, 30, 33 and 403) have also been revised on many occasions. This further complicated efforts to determine which regulations were in effect at the time a specific grant was awarded.

At a "Task Force Meeting on Audit Issues" held in August 1982, and attended by EPA personnel from all Regions and Headquarters, it was recommended that EPA "develop a matrix for illustrating grant requirements in relation to time of grant award." It was felt that the advantages of the matrix were that it would: (a) provide the grants program with a standard for systematically applying requirements and retrieving data; (b) reduce resources needed in researching and resolving issues; and (c) be readily updatable by adding supplements.

The average length of time for an EPA grant-assisted project to proceed through planning, design and construction is about eight years. Generally, audits of projects are carried out after completion of construction -- often many years after some costs are incurred. Because during this extended period, the regulations of the Agency will have undergone a vast number of changes, efforts at determining which requirements were in effect at what time become increasingly difficult. In addition, since many of the projects were undertaken during a period when three separate grants were awarded (Step 1 for planning, Step 2 for design, and Step 3 for construction), each of the separate grant awards may be subject to different regulations. Further complicating cost reviews is the fact that some regulations carried retroactive provisions.

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Accordingly, this Matrix was developed to clearly delineate the applicable regulations and policies in effect at particular intervals of time -- thus providing construction grant staff and auditors with a comprehensive body of information needed to effectively assess eligible and allowable costs during the life of a grant project.

METHODOLOGY

In reviewing the available reference documents, the contractor's project officer, Albert T. Bowyer, was faced with a large volume of source materials, including Federal statutes and their legislative histories, Federal regulations, program policy issuances (CG's, PG's, PRM's, etc.), Handbooks of Procedures (MCD-03), guidance documents (Facilities Planning 1981, Construction Grants 1982, etc.) Board of Assistance Appeals decisions, Audit Resolution Board decisions, Federal court decisions, uncodified Headquarters policy memoranda in response to specific project inquiries or requests, and technical guidance documents (e.g., Innovative and Alternative Technology Assessment Manual, Handbook for Sewer System Evaluation and Rehabilitation, etc.) After careful study, it was decided that the Matrix would be limited to pertinent portions of EPA regulations, codified policy issuances (PG's, PRM's, etc.), the Handbook of Procedures, and Audit Resolution Board decisions. In addition, it was also decided that since an index to Board of Assistance Appeals decisions was already available, it should be appended to the Matrix in its existing form.

The draft Matrix was reviewed and edited by a special task force comprised of Headquarters and Regional representatives. Albert L. Pelmoter, Chief, Program Policy Branch, Municipal Construction Division and Project Manager for the "Matrix," served as chairman, and Thomas J. Moran, Senior Engineer, Program Policy Branch, served as task manager. Roger A. Janson, Chief, Grants Operations Section, Region I, took the lead in coordinating Regional review and followup, which greatly expedited and improved the overall review process. As a result of this review, the Matrix was expanded to include 40 CFR Part 4 and its format was altered to further simplify its use.

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CODE OF FEDERAL REGULATIONS

As most users of this Matrix are aware, the Code of Federal Regulations (CFR) is a codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal government. The CFR contains 50 titles identified by subject or executive department; for example, Title 3--The President; Title 10--Energy; Title 32--National Defense, etc. In practically all cases involving the Municipal Construction Grants Program, applicable regulations can be found in Title 40--Protection of Environment. In a few instances, other titles may be of interest such as Title 41--Public Contracts and Property Management which deals with the application of Federal principles.

Title 40--Protection of Environment is further subdivided into chapters (Chapter I concerns EPA), parts, subparts, sections, subsections, etc. In referencing the regulations, the number of the title, part, section and/or subsection is used. For example, 40 CFR 35.917-1 (beginning after February 11, 1974) means Title 40, Part 35, Section .917, Subsection 1. It is entitled "Content of Facilities Plan."

A. Federal Register (FR)

The Federal Register is used by the Federal government to transmit information to the general public and interest groups concerning the workings of government. It is published daily during normal work days and contains, among other things, regulations promulgated by the various agencies. Ideally, after enactment of a Federal law, the implementing agency publishes in the FR a notice of proposed rule-making. At this stage, the text of proposed rules and regulations may be published in full or their availability may be announced. Proposed regulations are often preceded by a preamble which indicates the basis for the regulation (Federal law, Executive Order, court ruling, etc.) provides background information, discusses alternative approaches considered and the reason for promulgating the proposed rule, and sets forth a comment period during which time interested parties may submit their comments in writing or at public hearings. Proposed rules and regulations are not binding on Construction Grants Program grant applicants or grantees.

Proposed regulations are generally followed by interim regulations (in some cases interim/final) which, as the name implies, serve during the period between enactment of a Federal law and the publication of "final" regulations. Interim regulations, once promulgated, have the force and effect of law and serve as official Agency policy until superseded or amended by the final regulations. Interim regulations also include a preamble and undergo a comment period.

Final regulations are published in the FR and represent the Agency's final policies and procedures for implementing a federal law, executive order or court order. Beginning with their effective date, they carry the full force and effect of law. Changes to final regulations may be made only by the chief executive officer of the Agency and are effected by issuing revised regulations (generally preceded by proposed and/ or interim) or the issuance of a class deviation. Generally, final regulations also contain a preamble which covers comments to proposed and interim regulations received from the public and interest groups along with other considerations taken into account as the regulations were finalized.

B. Bound CFR

Annually, Title 40 of the CFR is published in bound form by the General Services Administration. Each edition reflects changes which have been made to the regulations up to July 1 of the year published. (Copies are generally not available until September or October allowing for publishing time.) The bound copy of the CFR includes all appropriate regulations which appeared in the Federal Register during the preceding twelve month period.

The bound CFR forms the basis for using the regulation matrix; hence, familiarity with its content, user's guide and reference tables is of utmost importance. It is recommended that users of this Matrix read the introductory pages to a bound copy of a 40 CFR and review the tables on the last several pages. It should be noted that some limitations of the bound CFR are not indicated in its introduction but must be understood in order to use the regulation matrix effectively. For example, the bound CFR does not include:

1. Proposed regulations. Because they have no force or effect in law, they are not included.

2. Preambles.

3. Class deviations. Where a temporary or permanent class deviation from the regulations is granted by the chief executive of the Agency, such deviations appear in the FR but are excluded from the bound CFR. If the class deviation eventually results in a change to the regulations, that change will appear in the bound CFR.

4. Superseded regulations. If both interim and final regulations are promulgated during the same CFR summary year, only the final regulations will appear in the bound CFR for that year.

A table of contents is included at the beginning of each "part" in the CFR and is particularly useful in locating the section of interest. In addition, at the beginning of each part or subpart the word "source" is shown followed by the FR volume and page numbers and date. This identifies the specific FR issue in which the regulation appeared. For example, the 1978 bound copy of 40 CFR Part 35 under Subpart E (page 349) reads:

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"Source: Sections 35.900 to 35.935-17, 39 FR 5253, Feb. 11, 1974;
39 FR 15760, May 6, 1974, unless otherwise noted.

Sections 35.936 to 35.959, 40 FR 58604, Dec. 17, 1975,
unless otherwise noted."

Thus sections 35.900 to 35.935-17 were published in volume 39 of the Federal Register, beginning on page 5253, on February 11, 1974, and corrected on May 6, 1974, as noted on page 15760 of that FR. The phrase "unless otherwise noted" means that some sections within the full range of 35.900-35.935-17 may have been amended, and if so they will be followed by another citing. For example, at the conclusion of 35.905-8 (page 352 in the bound CFR) the notation "[43 FR 17703, Apr. 25, 1978]" appears and means that this particular section was amended in volume 43, page 17703, of the FR dated April 25, 1978.

It is very helpful to understand the "source" instructions since it may be necessary to locate the original publication of the regulation and review the preamble for a discussion of the subject under review.

Another helpful, although somewhat limited, table located in each bound copy of the CFR is the index at the back of each volume entitled "List of CFR Sections Affected." This index lists changes to the sections of 40 CFR beginning with its original publication and indicates, by year, the section number and FR volume and page numbers, when a particular section was added, amended or deleted. Where appropriate, instructive comments are provided. However, only section numbers are listed; titles and the specific date the change appeared in the FR are omitted. Therefore, it would be necessary to know, for example, that 35.917-1 is "Contents of Facilities Plan" in order to know that this particular subject had been modified. However, by using the table of contents at the beginning of each part within the bound CFR, and the index at the back, it is possible to identify the subject under review and when it was changed.

USE OF THE REGULATION MATRIX

The regulation matrix is designed to overcome some of the limitations of the bound CFR by providing for the efficient identification of regulations applicable to a particular grant. It is not intended to answer specific questions concerning allowable or unallowable costs. Rather, these questions must be answered by the user after locating the applicable regulation(s) (or other policy issuances discussed later) and reviewing them.

In order to fully understand the format of the regulation matrix, a brief description of each column is provided below.[1]

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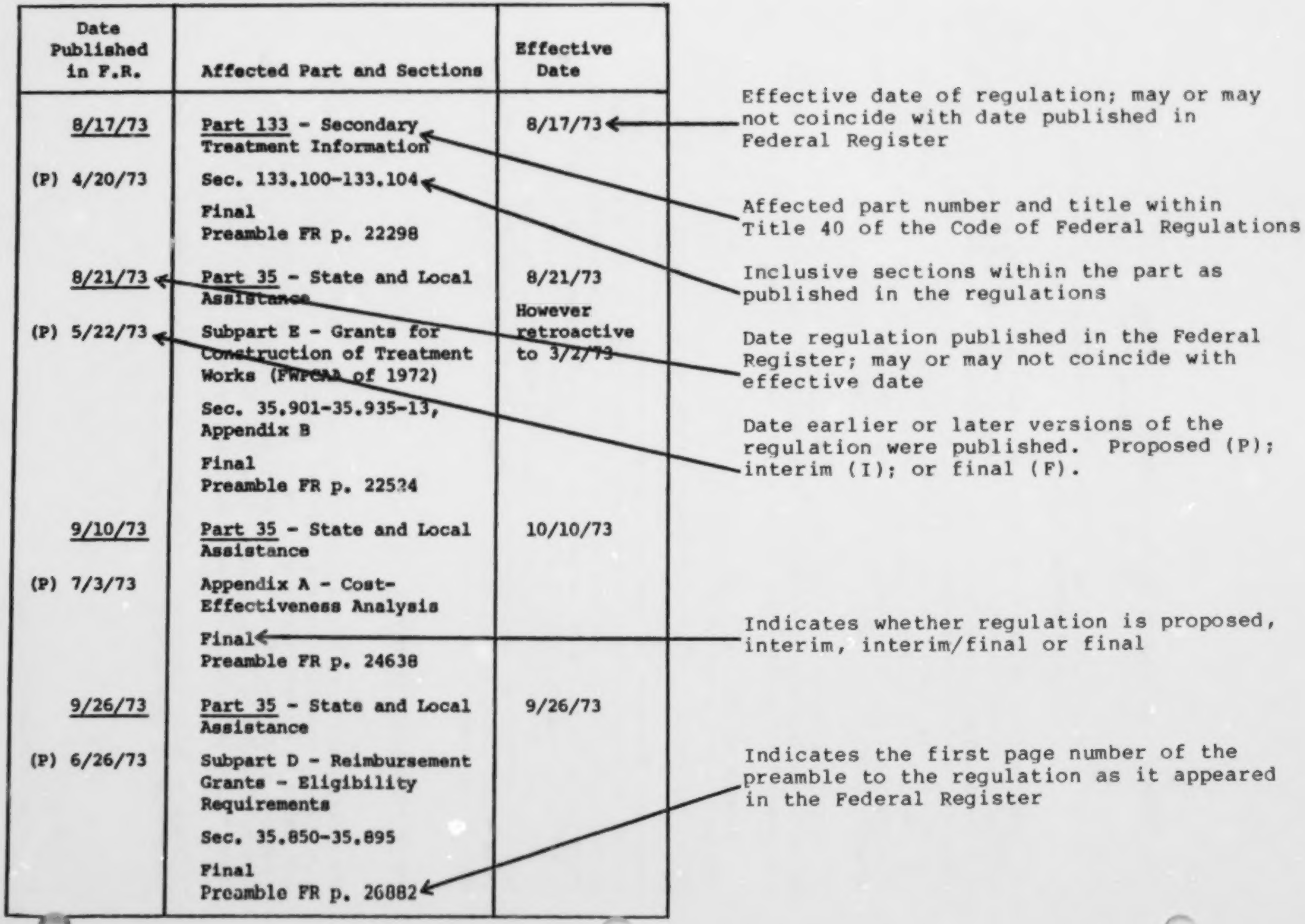
[1] Also see Matrix Key, page 8

MATRIX KEY



Date Published in F.R.	Affected Part and Sections	Effective Date
8/17/73	Part 133 - Secondary Treatment Information	8/17/73
(P) 4/20/73	Sec. 133.100-133.104	
	Final Preamble FR p. 22298	
8/21/73	Part 35 - State and Local Assistance	8/21/73 However retroactive to 3/2/73
(P) 5/22/73	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)	
	Sec. 35.901-35.935-13, Appendix B	
	Final Preamble FR p. 22524	
9/10/73	Part 35 - State and Local Assistance	10/10/73
(P) 7/3/73	Appendix A - Cost-Effectiveness Analysis	
	Final Preamble FR p. 24638	
9/26/73	Part 35 - State and Local Assistance	9/26/73
(P) 6/26/73	Subpart D - Reimbursement Grants - Eligibility Requirements	
	Sec. 35.850-35.895	
	Final Preamble FR p. 26882	

Effective date of regulation; may or may not coincide with date published in Federal Register

Affected part number and title within Title 40 of the Code of Federal Regulations

Inclusive sections within the part as published in the regulations

Date regulation published in the Federal Register; may or may not coincide with effective date

Date earlier or later versions of the regulation were published. Proposed (P); interim (I); or final (F).

Indicates whether regulation is proposed, interim, interim/final or final

Indicates the first page number of the preamble to the regulation as it appeared in the Federal Register

Date Heading - Each page of the regulation matrix contains a date such as 1972, 1973...1983, etc. This date identifies which bound copy of 40 CFR is to be used as the starting point in locating the applicable regulations. For example, the page with the heading "1977" means that the user should begin with the 1977 bound version of 40 CFR and note the changes to that publication up to the date of grant award (examples using the regulation matrix are given later).

Date Published in FR - Indicates chronologically the date the regulation was published in the Federal Register. In addition, where there were other editions of the same regulations, the date that the interim (I) or proposed (P) regulations were published in the FR are also included.

Affected Part and Sections - The first listing indicates the affected part of the CFR and its title. After the part, where appropriate, the subpart, its title and a further subject description is shown.

An indication as to whether the regulation is "proposed," "interim," "final," a "class deviation," a "policy statement" or "information" follows, after which the preamble page number is shown.

Finally, the section and/or subsection number and heading is given where appropriate. When a signficant portion of the regulation has been revised, this column will indicate the inclusive sections omitting the identification of each section and/or subsection.

Effective Date - Indicates the date on which the particular regulation became effective. Very often regulations are published in the FR but do not become effective for a period of 30 to 60 days. At times, different sections of the regulations, while published in the same FR, may have different effective dates.

Comments - This column provides a brief commentary on significant aspects of the regulation.

INCLUDED REGULATIONS

During the development of the Matrix, recommendations were obtained from EPA regional personnel concerning which parts, subparts or policies should be included. Since the primary purpose of the Matrix is to assist users in the determination of allowable costs, only those Title 40 regulations which have a direct bearing upon that issue were included, viz:

40 CFR Parts

4 - Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970

6 - National Environmental Policy Act

25 - Public Participation

29 - Intergovernmental Review of Environmental Protection Agency Programs and Activities

30 - General Grant Regulations and Procedures

33 - Procurement Under Assistance Agreements

35 - State and Local Assistance

Subpart C - Grants for Construction of Wastewater Treatment Works

Subpart D - Reimbursement Grants

Subpart E - Grants for Construction of Treatment Works - Clean Water Act

Subpart I - Grants for Construction of Treatment Works

128)- Pretreatment Standards
403)

133 - Secondary Treatment Information

Applicable deviations from regulations

POLICY MATRICES

Four separate policy matrices have also been developed. Most of the documents indexed in these matrices were issued as guidance memoranda by EPA Headquarters to its regional offices between 1970 and 1980. While the memoranda did not carry the weight of law or regulations, EPA regional (and State agency) personnel were generally advised that the guidance set forth in these memoranda were to be followed. For this reason, many eligibility/allowability decisions made by EPA and State staffs were based upon information contained in these memoranda.

A. Background

From 1970 to 1972, the issued memoranda were referred to as "All Regional Construction Grants Memorandum" (abbreviated CG) and numbered by calendar year and sequence of issue, e.g., CG 70-1 was the first memorandum issued in calendar year 1970. In 1972 the title "CG" was changed to "Program Memorandum" (PM) but the same numbering system was continued.

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In May 1973, the memorandum issuance system title was changed to "Program Guidance Memorandum" or "PG", and this series continued until May 7, 1976 when the last PG (-68) was issued.

In July 1976 an entirely new system of field communications was introduced. It included "Program Requirements Memoranda" (PRM's), "Program Operation Memoranda" (POM's) and "Transmittal Memoranda" (TM's). PRM's were used to convey program policy specifically applicable to the Construction Grants Program and were circulated both within and outside EPA. POM's, on the other hand, were internal issuances which set forth periodic reporting requirements, ceilings, quotas and other "housekeeping" items. Generally, these were of little interest to those outside of EPA. TM's were transmittal memoranda which forwarded changes (insertable replacement pages) to the Handbook of Procedures (MCD-03). A full explanation of the PRM, POM and TM system was contained in the first PRM issuance, namely, PRM 76-1 dated July 26, 1976. The PRM system used a fiscal year/sequential numbering system. (E.g., PRM 78-1 is dated December 29, 1977.)

PRM 76-2, also issued on July 26, 1976, announced the cancellation of certain outdated or superseded PG's and the re-labeling of the retained PG's as PRM's beginning with the prefix 75-n. Accordingly, PRM's 75-1 through 75-40 were earlier PG's which remained applicable to new or existing grants.

Responding to the concern for the apparent excessive number of policy issuances and for the occasional retroactive application of certain rules and, in an effort to provide for the more orderly dissemination of grant policy, EPA announced, in PRM 81-1 (January 1, 1981), that future construction grant program policy would be issued on an annual basis only. (A compendium of PRMs applicable to grants awarded during FY 1981 was issued in early January 1981.) Also, included in PRM 81-1 was a listing of cancelled PRMs and an explanation of the reason for their cancellation. In additon, PRM 81-1 noted that certain PRM's were to be discontinued or cancelled with the publication of (then pending) "Facilities Planning 1981."

Facilities Planning 1981 (FRD-20), dated March 1981, included (as Appendix D) the same listing of cancelled PRM's contained in PRM 81-1; however, it also explained that several PRM's were not cancelled but rather were "integrated into Facilities Planning 1981." While it was intented, at that time, to issue a companion document covering guidance for Step 2 (design) and Step 3 (construction) activities, amendments to the Clean Water Act of 1977 necessitated a complete restructuring of the regulations and guidance. The result was the publication of a new guidance document, Construction Grants 1982 (CG-82)-Interim Final, dated July 1982.

The stated purpose of CG-82 was to reduce the proliferation of Construction Grants Program policy issuances to the maximum extent possible. It was to serve as guidance, not regulation in disguise, and "...upon publication, all PRMs and POMs are cancelled...". The effect of this statement was to terminate the previously existing field communication system.

B. Use of Policy Matrices

All CG's, PM's, PG's and PRM's cited are listed in the "Subject Index" preceding the matrices, and each subject is classified into one or more of eleven subject categories. The categories cover broad areas and are listed alphabetically beginning with Administrative/Policy and ending with User Charge/Industrial Cost Recovery. Within each category, individual subjects are listed alphabetically; and, in the adjacent column, the documents in which the subject is discussed are identified.

Following this index, each policy matrix is shown listing the memorandum number in the first column followed by the date of issuance. The third column is the complete title of the memorandum.

Column four provides information regarding whether and when the memorandum was cancelled (C), superseded (SS) or supplemented (SP), and also indicates other documents which cover related information. The last column contains comments to help the reader determine whether it is necessary to locate and read the full memorandum.

The PG matrix has one additional column not included in the other matrices, namely "Redesignated PRM No." As explained above, when the PRM system was introduced, carried-over PGs were relabeled as PRMs and assigned new numbers -- each beginning with the prefix 75-.

C. Included Policy Issuances

As with the regulation matrix, the primary purpose of the policy matrices is to assist users in the determination of allowable costs. For this reason, only those policy issuances which have a direct bearing upon allowability are included. Therefore, where sequential numbers are missing, it may be assumed that the memorandum does not contain information concerning allowable costs.

HANDBOOK OF PROCEDURES

"The Handbook of Procedures - Construction Grants Program for Municipal Wastewater Treatment Works" (MCD-03) was originally published in February 1976 and was applicable to processing grants beginning July 1, 1975. An earlier edition, which was published in 1967 after enactment of the 1966 Amendments to the Federal Water Pollution Control Act, was never amended.

Each edition of the Handbook was written primarily to assist project officers in performing their review of grantee documents. They were not intended to introduce new program policies or requirements but rather to illustrate how existing policies and requirements were to be implemented during review. In general, the Handbook restated program policies which originated in other memorandums, pamphlets, regulations, etc.

One notable exception to the above, however, was the segment of the Handbook which dealt exclusively with allowable and unallowable costs. In the 1976 edition, this section, found in Chapter VII, included a listing and brief explanation of miscellaneous cost items, i.e., items for which questions regarding their allowability arose regularly during project closeout. At the time the Handbook was being prepared these items, as a group, were not addressed in any other Agency document; therefore, it was decided to include them in the Handbook. The interpretation of their allowability had been agreed upon by program staff, field and headquarters, and had resulted from years of experience in having made and defended these determinations. Over time, auditors have frequently cited cost items listed in the Handbook because of their ease of location and clarity, and, because the Handbook was the sole source of certain empirically developed allowability determinations.

A. Handbook Updates

The 1976 edition of the Handbook was updated on three separate occasions, namely:

Transmittal Memorandum No. 76-1 dated August 1976
Transmittal Memorandum No. 77-1 dated December 1976
Transmittal Memorandum No. 78-1 dated December 1977

For ease of reference, the bottom right of each revised page to be inserted in the Handbook contained a notation like the following:

Revised: TM 77-1
December 1976

The second edition of the Handbook of Procedures, dated 1980, replaced the first edition and reflected laws, regulations and policies in effect as of October 1, 1979. This edition was necessitated by the many significant amendments to the Clean Water Act of 1977. As with the first edition, Chapter VII (entitled "Financial Considerations") contained most of the information of interest to users of this Matrix. The "Allowability of Miscellaneous Costs" section of Chapter VII was expanded to include 42 specific cost items as compared with 35 in the first edition.

The second edition was not updated; however, the facilities planning portion (Chapter IV) was supplemented by the publication of Facilities Planning 1981 (FRD-20) dated March 1981.

The 1981 amendments to the Clean Water Act (P.L. 97-117 enacted December 29, 1981) contained so many sweeping revisions that it was necessary to completely overhaul the implementing regulations; and, on May 12, 1982, new interim Part 35 Subpart I regulations were promulgated for the Construction Grants Program. Appendix A to these regulations entitled "Determination of Allowable Costs" replaced the corresponding sections in Chapter VII of the second edition of the Handbook of Procedures. In addition, a supplementary guidance document, Construction Grants 1982 (CG-82), was also published in July 1982 and provided step-by-step guidance for the preparation of construction grants project documents.

Many program operating changes occurred after the 1980 edition of the Handbook was published. These changes came about not only from the regulatory changes noted above, but also from the fact that most of the day-to-day operations of the program were now being conducted by the States under delegation agreements. Accordingly, a third edition, containing considerable changes over the previous edition, was published with an effective date of October 1, 1984. Again, for purposes of this matrix, the key chapter in this Handbook is Chapter IX "Financial Considerations." In the last section of that chapter, 40 CFR Part 35, Subpart I, Appendix A, "Determination of Allowable Costs" is reproduced and supplemented with clarifying information and examples where appropriate.

B. Use of Handbook Matrix

The Handbook matrix lists 68 specific subjects, all of which are also included in the "Subject Index - Program Issuances." The columns following the subject contain checkmarks "(/)" to indicate in which edition or TM the subject can be found.

The column "TM No. 76-1" contains an asterisk which is explained at the end of the matrix. In essence, the TM indicates that the list of allowable/unallowable costs is retroactively applicable to projects funded under P.L. 84-660 (1956 Federal Water Pollution Control Act) as well as those funded under P.L. 92-500 (1972 amendments). However, where prior commitments had already been made, these commitments should be taken into account when final allowability determinations are made.

AUDIT RESOLUTION BOARD

The Audit Resolution Board (ARB) was established under EPA Order 2750.2A to resolve cases in which the Inspector General is dissatisfied with the Action Official's (usually the Regional Administrator) disposition of an audit funding. The Board, meeting as necessary to consider cases referred by the Inspector General, determines the official Agency position, and its decisions are final and not subject to further review within EPA. The Board presently consists of three voting officials: the Assistant Administrator for Administration (Chairperson), the EPA General Counsel, and a Regional Administrator serving a one year rotating term. In addition, the Inspector General and the Assistant Administrator for the program involved serve in advisory roles.

As of July 24, 1984, the ARB had issued 14 decisions, with another case (ARB-5) under further study, and two other cases (ARB-7 and -12) resolved by other means. The ARB decision matrix indicates the decision number, date, title, effective date and appropriate comments. By its very nature an ARB decision addresses an issue which is difficult to resolve through a review of grant regulations or other policy memoranda. Therefore, if an issue under review has been the subject of an ARB decision, that ARB decision and its supporting documents should also be examined.

BOARD OF ASSISTANCE APPEALS

The Board of Assistance Appeals (BAA) hears cases brought by grantees in accordance with the EPA's disputes provisions (40 CFR Part 30, Subpart J, Disputes, 30.1100-30.1150 and 40 CFR 35.960) as supplemented by EPA Disputes Procedures (Volume 44, Federal Register page 46770 dated August 8, 1979). The Board, after reviewing briefs and other documents (from the grantee, EPA regional office and other interested parties) and, when necessary, holding a hearing, renders a decision.

Decisions handed down by the BAA are project specific but may include issues which are applicable to other projects. From 1976 through November 1984, 269 decisions have been rendered by the BAA with approximately 90 percent of these decisions emanating from construction grant projects. Generally, the decisions are about seven pages long and, like judicial opinions, cite earlier decisions, regulations, quotations from grantee and Agency briefs, etc.

The Office of General Counsel has prepared both a subject index and a chronological list of decisions (as of December 1984), both of which are included as Appendix A to this publication. The subject index includes 13 major subjects with multiple subheadings followed by the docket numbers. The chronological listing includes the docket number, case name and date of decision. Because BAA decisions are not cited as frequently as regulations, policy memoranda guidance documents or ARB decisions when issues between EPA auditors and construction grants personnel are raised, a separate matrix for BAA decisions has not been prepared.

USE OF REGULATION MATRIX

EXAMPLE 1:

A grant is awarded on October 15, 1977. Using the regulation matrix, identify the applicable regulations in 40 CFR Part 35, Subpart E.

1. Because the grant was awarded in October 1977, begin with the regulation matrix dated "1977" (page 46).

2. The 1977 regulation matrix indicates that between July 1, 1977, and October 15, 1977, only one change was made to Part 35, namely, a class deviation dated August 31, 1977.

3. A review of the description of the class deviation in the matrix indicates:

   a. Only the subjects user charges and industrial cost recovery, operation and maintenance manual and sewer use ordinance are affected.

   b. The deviation is further limited to changes in the payment limitations.

4. Unless the issue under review concerns the subjects discussed in the class deviation, the 1977 edition of 40 CFR contains the applicable regulations for Part 35, Subpart E.

5. In the event that it is desirable to review the preamble to the applicable Part 35, Subpart E regulations (recall that preambles are not published in the bound CFR), review page (331) in the 1977 edition of 40 CFR where those regulations begin and note:

   "Source: Sections 35.900 to 35.935-17, 39 FR 5253, Feb. 11, 1974;
   39 FR 15760, May 6, 1974, unless otherwise noted.
   Sections 35.936 to 35.939, 40 FR 58604, Dec. 17, 1975,
   unless otherwise noted."

6. Sections 35.900 to 35.935-17 were originally published in the Federal Register on February 11, 1974, with portions modified on May 6, 1974. Sections 35.936 to 35.939 (procurement) were published on December 17, 1975. The regulation matrix for 1973 (pages 25-30) may be used to determine when the proposed, interim and final regulations were published and the page number for the preamble. In additon, the matrix indicates that the May 6, 1974 changes to Part 35, Subpart E were technical corrections. In like fashion, the matrix may be used to determine additional information concerning the procurement regulation (35.936-35.939) dated December 17, 1975. The identified Federal Registers will include the desired preambles.

EXAMPLE 2:

A grant is awarded on May 1, 1974. An audit issue arises concerning the cost incurred in purchasing land to be used as an integral part of the wastewater treatment process. Using the regulation and policy matrices, identify the applicable regulations in 40 CFR Part 35 and Part 4 as well as applicable policies.

1. Because the grant was awarded in May 1974, begin with the regulation matrix dated "1973" (page 25 in manual).

2. The 1973 regulation matrix indicates that between July 1, 1973, and May 1, 1974, twelve changes were made to the construction grants regulations of which five were made to Part 35, Subpart E, and one change to Part 4. Therefore, using 1973 as the base year could require the review of 12 revisions.

3. An alternate approach would be to use the 1974 edition of 40 CFR as the base year and, using the 1973 regulation matrix, note changes between May 1, 1974, and June 30, 1974. The effect of this approach is to subtract later regulations after the date of grant award.

4. Using the alternate approach in item 3 above, the 1973 regulation matrix indicates two changes to Part 35, Subpart E after May 1, 1974. The matrix further describes the changes as technical corrections (May 6, 1974) and a class deviation allowing the use of force account labor (May 5, 1974). Since neither of these changes to Part 35, Subpart E affects land acquisition, the applicable regulations for Part 35, Subpart E, and Part 4 are those contained in the 1974 edition of 40 CFR.

5. If it is necessary to review the preamble to the applicable Part 35, Subpart E regulations using the 1974 edition of 40 CFR, one must be aware of the fact that it was the practice during the earlier years to list the "source" at the beginning of the entire part rather than at each subpart. Therefore, turn to page 155 of that edition and note:

   > "Source: ...
   >
   > Subpart E (§§35.900 to 35.960) at 39 FR 5253, Feb. 11, 1974; 39 FR 15760, May 6, 1974."

   From this information, a description of the regulation may be reviewed in the matrix or a copy of the appropriate Federal Register may be reviewed. Using the identical procedures, it is noted that Part 4 was amended on March 19, 1974, as shown both in the regulation matrix and on page 37 of the 1974 edition of 40 CFR Part 4.

6. Using the Subject Index for the policy matrices and reviewing the various subject headings, under Allowability/Eligibility the subject land eligibility is listed. The program issuances which discuss this subject are:

   PG-49 which was not dated
   PG-67 dated 4/2/76
   PRM 77-5 dated 12/15/76
   PRM 78-4 dated 2/17/78
   Handbook

   The dates for three of the policy issuances are well after the date of the grant award and, therefore, are not applicable (prudence may suggest reviewing the appropriate matrix to ensure that the policy was not retroactive). While PG-49 is not dated, the PG matrix indicates PG-47 is dated March 11, 1975, and PG-50 is dated June 6, 1975, and it may be reasonably assumed that PG-49 was issued during 1975, and therefore not applicable.

   The Handbook matrix includes the subject "Site Acquisition vs. Site Preparation Cost" which is included in each edition. Looking up this subject in the first edition of the Handbook, it is noted that its conclusions are based on the same four policy issuances cited above.

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7. Since the above policy issuances and Handbook references under the Subject Index "land eligibility" are not applicable due to their dates of publication, it is prudent to look for other possible subject headings and note the dates. For example, possible policy issuance candidates are:

   a. Easements, PRM 77-6, 5/4/77. Not applicable as issued after grant award.

   b. Allowable Costs, PG-64, 2/5/76. Not applicable as issued after grant award.

   c. Eligible Costs, CG 70-26, 11/9/70. Not applicable as it does not cover land. (See CG matrix.)

   d. Certificate as to Title to Project Site and Site Acquisition vs Site Preparation Costs, Handbook. Generally not applicable as Handbook issued after grant award. (See paragraph 8 below.)

   By using this procedure and reviewing the policy matrices, it is possible to determine if the subject under review is addressed in a policy issuance.

8. In the absence of specific policy guidance, it may be necessary to rely upon the broad retroactivity statement given in both PG 64 and the first TM to the Handbook. That policy indicates that the cost items listed in the Handbook and PG 64 are applicable to both P.L. 84-660 (1956) and P.L. 92-500 (1972) projects. However, the policy also states that, "In making eligibility determinations, consideration should be given to commitments previously made to grantees in the absence of prior National policy, pertinent statutes or regulations."

CODE OF FEDERAL REGULATIONS

1971

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1971*

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
8/24/71 (I) 11/25/71 (I) 3/19/74	Part 4 - Interim Regulations and Procedures Implementing the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 Sec. 4.1-4.263, Appendix A Interim Preamble FR p. 16626	8/24/71	The regulations provide for, "...the uniform and equitable treatment of persons displaced from their homes, businesses or farms by federal and federally-assisted projects and establishes an equitable land acquisition policy for federal and federally-assisted programs;" this publication is the first major printing of these regulations by EPA (no proposed regulations issued).
11/25/71	Title 40 - Protection of Environment Chapter I - Environmental Protection Agency Reorganization and Republication Preamble FR p. 22369 Subchapter B - Grants Preamble FR p. 22369	N/A	Under the authority of Reorganization Plan No. 3 of 1970, "...a variety of activities related to pollution abatement control were transferred to the Environmental Protection Agency. Regulations issued by the Environmental Protection Agency were published in various titles of the *Code of Federal Regulations*. Such regulations are being reorganized and transferred to Chapter I of Title 40 - Protection of Environment. All amendments to these regulations are included in this republication through November 4, 1971." "Subchapter B, Title 40 is hereby reserved for all regulations pertaining to Grants of the Environmental Protection Agency. Previously published grant regulations are hereby removed from the *Code of Federal Regulations*, but are retained in force as uncodified regulations. Grant regulations thus affected are as follows: Title 18, Part 601 - Grants for water pollution control..."

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* The first bound copy of 40 CFR is dated January 1, 1972, i.e., there is no 1971 edition.

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
11/25/71 (I) 8/24/71 (I) 3/19/74	Part 4 - Interim Regulations and Procedures Implementing the Uniform Relocation Assistance and Real Property Acquisition Act of 1970	N/A	Part 4 (along with other parts of Title 40) republished in the *Federal Register* without "substantive changes;" the reprinting allows for the consolidation of many regulations in one document.
11/27/71 (I) 6/9/72 (P) 8/1/73 (F) 5/8/75	Part 30 - General Grant Regulations and Procedures Sec. 30.100-30.1001-3 Interim Preamble FR p. 22716	1/1/72	Previously published regulations (grants for water pollution control, 18 CFR Part 601) revoked 11/25/71 but maintained as uncodified regulations and used provided not inconsistent with this Part 30; new Part 30 effective for previously awarded grants to the extent not inconsistent with terms and conditions of such grants.

CODE OF FEDERAL REGULATIONS

1972

40 CFR Protection of Environment

Revised January 1, 1972

1 9 7 2

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
1/20/72	Part 6 - Environmental Impact Statements	N/A	Proposed regulations implementing the National Environmental Policy Act of 1969 in accordance with E.O. 11514 and the Council on Environmental Quality's Guidelines of 4/23/71.
(I) 1/17/73 (P) 7/17/74 (F) 4/14/75	Sec. 6.1-6.67 Proposed Preamble FR p. 879		
6/9/72	Part 30 - General Grant Regulations and Procedures	7/1/72	"This amendment, which does not substantially change the provisions of Part 30, consists of technical revisions, corrections or typographical errors and clarifications..."
(I) 11/27/71 (F) 5/8/75	Interim Preamble FR p. 11650		
	30.102 Applicability and scope		Eliminates word "will" as a reference to future and makes regulations applicable to all grants as of 7/1/72.
	30.401 Statutory conditions (g) and (h)		Requires compliance with OMB Circular A-95, i.e., clearinghouse comments procedures.
	30.602 Payment		Payments to be as provided, "by this subchapter and in the grant agreement" rather than by "the regulation."
	30.603 Grant related income		Changes reference to OMB Circular A-102 from A-96.
	30.901 Grant amendments		Changes reference to "authorized representative of grantee" from "project manager on behalf of the grantee."

1972 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
6/9/72	Part 35 - State and Local Assistance Interim Preamble FR p. 11650	7/1/72	Previously published regulations (grants for water pollution control, 18 CFR Part 601) removed from CFR 11/25/71 but maintained as uncodified regulations and used provided not inconsistent with Part 30; new Part 35 may be applicable to grants awarded prior to 7/1/72 by explicit incorporation through grant amendment; all grants including construction grants awarded after 7/1/72 subject to revised Part 30 and new Part 35.
	Subpart C - Grants for Construction of Wastewater Treatment Works Sec. 35.800-35.850		This publication of Subpart C represents the first republication of regulations for the Construction Grants Program under Title 40; Subpart C relates to grants for construction of treatment works under Section 8 of the Federal Water Pollution Act as amended, i.e., PL 84-660 projects; in general these regulations "constitute a more explicit statement of prior regulations or of previously uncodified policies, procedures and terms of the respective grants program."
10/18/72	The Federal Water Pollution Control Act Amendments of 1972 (FWPCAA of 1972), PL 92-500	10/18/72	The FWPCAA of 1972 represents a significant commitment on the part of the federal government to abate water pollution. The Act, among other things, introduces the three-step grant process, expands the types of eligible projects, increases the federal grant share to 75% and commits billions of dollars to the restoration of the nation's waters.
1/17/73 (P) 1/20/72 (P) 7/17/74 (F) 4/14/75	Part 6 - Preparation of Environmental Impact Statements Sec. 6.10-6.95 Interim Preamble FR p. 1696	2/16/73	These regulations represent EPA's implementation of the National Environmental Policy Act of 1969. Subpart E - Guidelines for Preparation of Environmental Impact Statements for Wastewater Treatment Works and Associated Plans directly relates to the Construction Grants Program.

1972 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
1/17/73	Part 6 - Continued 6.25 Applicability (c) Retroactive application		These regulations shall be applied to projects for which grants were awarded prior to the publication of these guidelines, "...when substantial funds have not been released and modifications or alternatives to the project are still available."
	6.55 Procedures for preparation of impact statements for plans		This section represents the first EPA regulatory requirement for grantees to prepare environmental assessments and conduct a public hearing.
2/28/73 (F) 2/11/74	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.900-35.955 Interim Preamble FR p. 5329	2/28/73	Subpart E only concerns grants awarded pursuant to the FWPCAA of 1972 (PL 92-500) using fiscal year 1973 and later contractual obligation authority; previous construction grants regulations (Subpart C, 35.800-35.850) are applicable to previously awarded construction grants and will remain in effect; grants may not be awarded after 7/1/73 unless the grantee demonstrates that the sewer system is not subject to excessive infiltration; grants awarded after 3/1/73 require grantee to adopt a user charge/industrial cost recovery system; grants awarded prior to 3/2/73 are subject to earlier regulations (35.835-5) concerning user charges; promulgation of Subpart E represents the first publication of regulations specifically for construction grants awarded under the FWPCAA of 1972.
3/2/73	Special Note: User Charge/Industrial Cost Recovery	3/2/73	See final regulations published 8/21/73 but retroactive to 3/2/73.

1972 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/22/73 (F) 8/21/73	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Proposed Preamble FR p. 13524	3/2/73	Proposed regulation concerns only user charge and industrial cost recovery systems; preamble contains discussion of use by grantee of recovered industrial funds; proposes a retroactive effective date of 3/2/73 and states, "Any grants awarded after 3/1/73, but prior to promulgation of final regulations, will be subject to a special grant condition incorporating these proposed regulations by reference."
6/26/73 (F) 9/26/73	Part 35 - State and Local Assistance Subpart D - Reimbursement Grants Sec. 35.850-35.890 Proposed Preamble FR p. 16826	N/A	Discusses eligibility requirements for reimbursement grants applicable to projects on which construction was initiated after 6/30/66 but before 7/1/72; applications must be received by EPA prior to 10/18/73.

CODE OF FEDERAL REGULATIONS

1973

40 CFR Protection of Environment

Revised July 1, 1973

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
7/3/73	Part 35 - State and Local Assistance	N/A	Proposed guidelines which, "apply to...the selection of the treatment works which will receive federal grant assistance."
(F) 9/10/73	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)		
	Appendix A - Cost-Effectiveness Analysis Guidelines		
	Proposed Preamble FR p. 17736		
7/9/73	Part 128 - Pretreatment Standards	N/A	Proposed pretreatment standards for pollutants introduced into publicly owned treatment works.
(F) 11/8/73	Sec. 128.100-128.140		
	Proposed Preamble FR p. 19236		
8/7/73	Part 30 - General Grant Regulations and	N/A	Proposed regulations implementing OMB Circular A-102, Attachments A-O; any EPA "grant awarded after publication of the proposed regulation, but prior to the final regulations, may be subject to a special grant condition incorporating these regulations by reference;" only section 35.935-3, Bonding and Insurance, in Subpart E is affected; sixteen sections in Part 30 are affected.
(F) 2/11/74 (F) 5/8/75	Part 35 - State and Local Assistance		
	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)		
	Proposed (but may be used as special condition) Preamble FR p. 21342		

1973 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
8/17/73	Part 133 - Secondary Treatment Information	8/17/73	Provides technical information on the level of effluent quality attainable through application of secondary treatment; refers to 4/20/73 FR proposed rulemaking for description of purposes and intended use of regulation.
(P) 4/20/73	Sec. 133.100-133.104 Final Preamble FR p. 22298		
8/21/73	Part 35 - State and Local Assistance	8/21/73 However retroactive to 3/2/73	Final regulations concerning only user charge and industrial cost recovery systems; appropriate sections between 35.901 and 35.935-13 are revised or added to conform with these regulations; Appendix B provides guidelines for user charge system; reprinted with final Subpart E regulations on 2/11/74; while these regulations are effective immediately, they are applicable to all grants awarded after 3/1/73.
(P) 5/22/73	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.901-35.935-13, Appendix B Final Preamble FR p. 22524		
9/10/73	Part 35 - State and Local Assistance	10/10/73	Cost-effectiveness analysis guidelines; no changes from those proposed on 7/3/73; reprinted with final Subpart E regulations on 2/11/74.
(P) 7/3/73	Appendix A - Cost-Effectiveness Analysis Final Preamble FR p. 24638		
9/26/73	Part 35 - State and Local Assistance	9/26/73	Discusses eligibility requirements for reimbursement grants and expands eligible period to 1956 from 1966; establishes 9/30/73 as cutoff date for establishing project cost for allocating appropriation for reimbursement grants.
(P) 6/26/73	Subpart D - Reimbursement Grants - Eligibility Requirements Sec. 35.850-35.895 Final Preamble FR p. 26882		

1973 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
10/15/73	Part 35 - State and Local Assistance	N/A	Applications received before 10/18/73 may be amended and resubmitted; removes limitation in 35.880(a) concerning the amount of grant.
(F) 1/29/74	Subpart D - Reimbursement Grants; Proposed Priority for Payment of Funds Appropriated by PL 92-399		
	Sec. 35.875 and 35.880		
	Proposed Preamble FR p. 28545		
11/8/73	Part 128 - Pretreatment Standards	12/10/73	Establishes requirements for pretreatment of nonresidential wastes discharged into publicly owned treatment works.
(P) 7/19/73	Sec. 128.100-128.140		
	Final Preamble FR p. 30982		
1/29/74	Part 35 - State and Local Assistance	1/29/74	Changes method of prioritizing funding of certain classes of projects; extends deadline for submission of applications to 1/31/74.
(P) 10/15/73	Subpart D - Reimbursement Grants		
	Sec. 35.850-35.895		
	Final Preamble FR p. 3677		
2/11/74	Part 35 - State and Local Assistance	2/11/74	This regulation represents the reprinting of the complete Subpart E, including appendixes, and includes earlier final regulations for UC/ICR systems (8/21/73) and cost-effectiveness analysis guidelines (9/10/73); the regulation replaces the interim Subpart E regulations (2/28/73)
(I) 2/28/73 (P) 8/7/73 (F) 5/6/74	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)		

1973 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
2/11/74	Part 35 - Continued Sec. 35.900-35.960, Appendixes A and B Final Preamble FR p. 5252		and includes several major changes as described in the preamble and following: after initial application, a basic grant is awarded and subsequent related projects are funded through amendment of the basic grant; Step 3 grants need not result in an operable treatment works (PL 93-243, 2/28/73) but may be a "segment" as defined in the regulations; new facilities planning requirements (35.917-.917-9) are set forth but permit a transition period for full compliance with the requirements, i.e., full compliance with facilities planning requirements for Step 1 work initiated after 4/30/74; after 10/31/74 a "plan of study" must be approved prior to initiation of Step 1 work; new procedures established to assure I/I requirements (35.927-5) are met without unnecessary documentation and expense; new provisions added to delineate EPA position with respect to the initiation of project construction prior to grant assistance for Step 1, 2 or 3, i.e., PL 92-500 clearly precludes the type of reimbursement projects previously authorized under former statute (Section 8 of FWPCAA) on which construction was initiated after 6/30/72; "initiation of construction" defined in 35.905-4; Section 35.925-18 sets forth procedures which will phase out the possibility of a reimbursement claim such as (a) eligible Step 1 or 2 work initiated prior to 11/1/74 will be fully reimbursed in conjunction with the next grant award, (b) prior approval required for Step 1 or 2 work initiated after 10/31/74, (c) Step 1 or 2 work initiated after 6/30/75 must be preceded by grant award or in the case of Step 1 work prior approval of a plan of study and request from state for reservation of grant funds; Section 35.930-6 added to clarify EPA is only obligated for initial grant and grantee should control costs and avoid overruns; increased grants

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
2/11/74	Part 35 - Continued		due to overruns must be approved by states from allotted funds; new section added (35.908) to encourage "processes or methods which have been successfully demonstrated under less than full scale conditions may be utilized in the construction of treatment works" which differ from interim regulations which allowed only processes which had been demonstrated under comparable conditions; new section added (35.938) to assure free and open competition among bidders on Step 3 projects and to assure compliance with nonrestrictive specifications provisions; regulations (Subpart D) applicable to grants awarded under Section 8 of the former FWPCAA remain in effect for grants awarded prior to 1/1/73; Subpart E regulations applicable only to grants awarded from FY 1973 and later contractual obligation authority allotments in FWPCAA amendments of 1972 (PL 92-500).
3/19/74 (I) 8/24/71 (I) 11/25/71	Part 4 - Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Sec. 4.100-4.608, Appendixes A and B Interim Preamble FR p. 10362	3/19/74	Regulations superseded those published 8/24/71 and 11/25/71 and resulted from guidelines issued by OMB (Circular A-103, 5/1/72) plus experience to date by EPA; only change discussed in the preamble concerns Section 4.600 which has been revised to indicate that the acquisition of easements is subject to the policies and procedures governing land acquisition; no final Part 4 regulation has been issued as of March 1983.

1973 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/6/74 (F) 2/11/74	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Technical Corrections to 2/11/74 Regulations Final Preamble FR p. 15760	2/11/74	Technical and typographical corrections to final Subpart E regulations published on 2/11/74.
	35.917-7 State review and certification of facilities plan		Changes word "agreement" to "agement," the ending of the word management.
	35.935-12 Operation and management		Adds section number and heading.
	35.935-13 User charges and industrial cost recovery (b)(1)		Changes word "precise" to "service."
	35.938-5 Negotiation "g"		Corrects spelling from "atuhorized" to "authorized."
5/7/74	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.935 Procurement; nonrestrictive specifications -2(a) Class Deviation	5/7/74	Allows grantees to use force account (grantee employees) for any Step 1, 2 or 3 work with EPA prior written approval provided grantee demonstrates (1) he possesses necessary competency and (2) work can be accomplished more economically using force account.

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1974

40 CFR Protection of Environment

Revised July 1, 1974

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
7/17/74 (I) 1/17/73 (F) 4/14/75	Part 6 - Preparation of Environmental Impact Statements Sec. 6.100-6.810 Proposed Preamble FR p. 26254	N/A	Published as proposed because of substantial changes to interim regulations dated 1/17/73.
10/1/74	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.912, .913, and .940-1(q) Final Preamble FR p. 35334	10/31/74	Direct costs associated with review functions carried out by states are allowable costs and may be recovered from grant allotments.
11/21/74	Part 35 - State and Local Assistance Subpart D - Reimbursement Grants - Cutoff Date for Submission of Required Information Final Preamble FR p. 40855 35.882 Cutoff date for submission of information	11/21/74	Earlier regulations extended date for receipt of reimbursement grant application to 1/31/74; additional information supporting those applications must be completed and submitted before 1/31/75 or no grant awarded. Cutoff date 1/31/75.

1974 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/14/75 (P) 1/20/72 (I) 1/17/73 (P) 7/17/74	Part 6 - Preparation of Environmental Impact Statements Final (complete reprint) Preamble FR p. 16814	4/14/75	Final regulations expanded criteria for decision concerning preparation of EIS; issues include: coastal zones, wild and scenic rivers; prime agricultural lands; wildlife habitat; floodplains; revision of definition of primary and secondary impacts; discussion of retroactive application; wetlands; explanation of data required in environmental assessments (energy, land use trends, population projections); consideration of endangered species.
	6.504 Applicability (c) Retroactive application		New criteria for preparation of EIS not applicable to Step 2 or Step 3 grants awarded before 7/1/75 unless Regional Administrator considers it appropriate; negative declarations issued before 4/14/75 remain in effect.
	6.512 Procedures for implementing NEPA		Provides more detailed explanation of data required in environmental assessments.
5/8/75 (I) 11/27/71 (I) 6/9/72 (P) 8/7/73	Part 30 - General Grant Regulations and Procedures Sec. 30.100-30.1150, Appendixes A, B, C Final Preamble FR p. 20232	6/10/75	Major reprint, with changes, of Part 30; expands grantee financial management and property management standards; procurement policies and procedures of interim Part 30 deleted to be replaced by new Part 33 in near future; disputes provisions set forth in new Subpart J; after 6/10/75 applicable to subsequent related grant projects; may be made applicable to projects with grants before 6/10/75 by grant amendment.
5/8/75	Part 35 - State and Local Assistance Final Preamble FR p. 20082	6/10/75	Part 30 completely revised on this same date; this regulation makes technical amendments to Part 35 to reflect correct references to Part 30.
5/9/75 (I) 2/8/77 (F) 6/30/78	Part 33 - Subagreements Proposed Preamble FR p. 20296	N/A	Does not apply to subagreements under grants for construction of treatment works, i.e., 35.938 applies to construction contracts and proposed new 35.937 will apply to personal and professional services.

1974 Continued

Date Published in F.R.-	Affected Part and Sections	Effective Date	Comments
5/9/75 (F) 12/17/75	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.937-35.939 Proposed Preamble FR p. 20296	N/A	Procurement of construction and professional services applicable to Construction Grants Program; proposes to delete earlier 35.938 through 35.939.

CODE OF FEDERAL REGULATIONS

1975

1975

40 CFR Protection of Environment

Revised July 1, 1975

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
12/17/75	Part 35 - State and Local Assistance	See Below	Applicable only to grants for construction of treatment works including A/E and construction services; Part 33 (when finalized) will apply to ancillary procurements such as legal or accounting services; implements standards from Attachment O to Federal Management Circular 74-7.
(P) 5/9/75	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) - Procurement Under Grants for Construction of Treatment Works		
	Sec. 35.936-35.939, 35.965, Appendix D		
	Final Preamble FR p. 58602		
	35.936 Series General Procurement	3/1/76	Consolidates procurement practices scattered in earlier documents and adds new requiremnts; defines and includes small purchases ($10,000 or less); allows states and local governments to use their own procurement systems provided they offer same protection as EPA regulations.
	35.937 Series Architect/ Engineer Procurement	3/1/76	Regulations do not intend "bids" nor require grantees to compare cost proposals from competing firms; price competition is neither prohibited nor encouraged; small communities (population 25,000 or less) exempt from announcement and selection procedures; requires Appendix C-1 provisions (not published as yet) as part of subagreement; prohibits cost-plus-percentage-of-cost and percentage-of-construction-cost type subagreements; requires A/E to submit cost and profit data to grantee; does not establish ranges or ceilings on profits.

1975 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
12/17/75	Part 35 - Continued		
	35.938 Series Construction Procurement	3/1/76	Restatement of 2/11/74 final regulations but adds section on negotiations for change orders including cost review; prompt progress payments; retainage policy; progress payments for specifically manufactured equipment.
	35.939 Series Protests	1/1/76	Delineates more precise procedures for handling protests.
	Appendixes C-1 and C-2 - Required Subagreement Provisions	3/1/76	To be included in A/E and construction subagreements when published (3/4/76).
	Appendix D - EPA Transition Policy - Consulting Engineering Agreements	12/17/75	Finalizes and replaces interim policy of Program Guidance Memorandum 53 issued 7/8/75; applicable only to grants awarded under Subpart E of Part 35; however, in general, some policies and procedures will be applicable to grants under earlier legislation.
3/4/76	Part 35 - State and Local Assistance	3/1/76	Publishes appendixes for inclusion in A/E and construction subagreements after 3/1/76; provides exception for previously negotiated or solicited subagreements.
	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) - Required Provisions for Subagreements under Grants for Construction of Treatment Works		
	Appendixes C-1 and C-2		
	Final Preamble FR p. 9340		

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
N/A	Class Deviation Sec. 35.935-13 User charges and industrial cost recovery (a)	5/6/76	80% payment limitation - see 8/31/77 *Federal Register* listing in this matrix.
N/A	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.937 Public Notice Sec. 35.937-3 Evaluation of Qualifications Sec. 35.937-4 Solicitation and evaluation of proposals Class Deviation	5/11/76	Allows deviation from the announcement and selection procedures for A/E procurement for grants awarded after 3/1/76 and before 7/1/76 with certain time limitation concerning time of receipt of application by state or EPA.
5/20/76	Part 6 - Preparation of Environmental Impact Statements Sec. 6.106(e) Final Preamble FR p. 20655	5/20/76	Technical amendment to Part 6; requires compliance with OMB's Circular A-95, i.e., clearinghouse comments procedures.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/20/76	Part 30 - General Grant Regulations and Procedures Sec. 30.305-30.305-8 Final Preamble FR p. 20655	5/20/76	Technical amendment to Part 30; amends Section 30.305 for inclusion of OMB's Circular A-95, i.e., clearinghouse comments procedures.
	30.135-3 Allowable Costs		Those eligible, reasonable, necessary and allocable costs permitted under appropriate federal cost principles, in accordance with EPA policy, within scope of project and authorized for EPA participation.
	30.135-8 Eligible Costs		Those costs in which federal participation is authorized pursuant to applicable statute.
	30.135-22 Subagreements		Written agreement between an EPA grantee and another party (other than another public agency); includes contracts and "subcontracts;" deletes words "consultant agreements."
	30.225-3 Allowability of Costs		Deletes (c) related to cost sharing for foreign grants.
	30.710(d) Federal Cost Principles		Adds "and subagreements" and "or 1-15.4 as appropriate."
	30.715-2 Indirect Costs		Revises method for determining indirect costs for grantees and reaffirms applicability of 41 CFR 1-15.2 and 1-15.4 for determination of indirect costs for A/E firms.
	30.720 Cost Sharing		Eliminates exception for cost sharing and requires grantee to share project costs.
5/20/76	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Final Preamble FR p. 20655	5/20/76	Technical amendments to Part 35.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/20/76	Part 35 - Continued		
	35.920-3 Contents of Application		(a)(3) and (b)(8) - Requires compliance with OMB's Circular A-95, i.e., clearinghouse comments procedures.
	35.935-15 Utilization of small and minority businesses		Positive efforts shall be made by grantees to utilize small businesses and minority owned businesses as sources of supplies and services.
	Appendix C-2 Required Provisions - Consulting Engineering Agreements		Editorial corrections; clause 10 "Price reduction for defective cost or price data" changes limitation from "$1,000,000" to "$100,000."
	Appendix D-2 Required Provisions - Construction Contracts		Editorial corrections.
6/23/76 (F) 9/23/76	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Proposed Preamble FR p. 25912	N/A	Proposes that all construction grants projects with total grant eligible cost of construction of $10 million or more, excluding cost for interceptors and collector sewers, be subjected to value engineering analysis as part of Step 2 grant. If adopted, applicable to projects for which Step 2 grant applications are received on or after 10/1/76.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
7/8/76	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Final Preamble FR p. 27966	7/8/76	Gives EPA regional offices authority to extend date for inclusion of Appendixes C-1 and C-2.
7/12/76	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.938-6 Progress payments to contractors, (c) Class Deviation	7/12/76	Item (c) "Protection of progress payments made for specifically manufactured equipment" contains two limitations connected by the word "or;" the class deviation eliminates the option and changes the word "or" to "and."
9/20/76	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.938-8 Required construction contract provisions (a) Class Deviation	9/20/76	Eliminates the mandatory use of the "General Conditions" portion of the "Contract Documents for Construction of Federally-Assisted Water and Sewer Projects" and makes it optional; future changes to Appendix C-2 will incorporate appropriate conditions.

1976 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
9/23/76	Part 35 - State and Local Assistance	10/26/76	Requires value engineering (VE) for all Step 2 applications with projected total Step 3 grant eligible cost of $10 million or more excluding the cost of interceptors and collectors sewers; applicable to all construction grants projects for which Step 2 grant applications are certified on or after 10/26/76.
(P) 6/23/76	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)		
	Final Preamble FR p. 41690		
	35.905-27 Value Engineering (VE)		Definition of VE.
	35.920-3(b)(9) Contents of Application		Requires VE as part of Step 2 application for projects with allowable cost greater than $10 million.
	35.925-7 Design		Requires VE as a limitation on award of grant.
	35.926 Value Engineering (VE)		Discusses proposal for VE and scope of analysis.
	35.935-18 Value Engineering (VE)		Makes VE a grant condition.
N/A	Class Deviation	9/30/76	80% payment limitation - see 8/31/77 *Federal Register* listing in this matrix.
	Sec. 35.935-13 User charges and industrial cost recovery (a)		
12/27/76	Part 30 - General Grant Regulations and Procedures	1/1/77	Required changes to comply with OMB's Circular A-110.
	Final Preamble FR p. 56196		
	30.615-1 Method of Payment (a)		"Payment for waste treatment construction grants will be made on a reimbursable basis (see 35.845 and 35.945)."

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
12/27/76	Part 30 - Continued		
	30.620 Grant related income (b)		Grant related income (e.g., sale of byproducts or reports) to be used to support or finance project.
	30.620-2 Royalties received from copyrights and patents		Grantee has no other obligation to EPA for royalties received.
	30.635-5 Property reports (c)		Grantees shall submit annually an inventory of all federally owned property in their possession.
	30.810-1 Definitions (a)		Defines net invoice unit price of property.
	30.810-7 Nonexpendable personal property acquired with federal funds (a)		Concerned with use of property.
	30.810-8 Expendable personal property acquired with grant funds		If residual expendable property exceeds $1,000 at end of project, compensate EPA for its share.
12/29/76	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) - Subagreements under Grants for Construction of Treatment Works; Technical Amendments Final - Appendixes C-1 and C-2 and related sections of Subpart E Preamble FR p. 56633	2/1/77	Comprehensive discussion of contents of Appendixes C-1 - Required Provisions Consulting Engineering Agreements, and C-2 - Required Provisions - Construction Contracts; major issues discussed: deviations from use of C-1 or C-2 allowed in extraordinary circumstances; reference in C-1 and C-2 to regulations means those in effect on date of contract execution; applicability to construction management contract limited; C-1 provisions apply only to grant eligible work, not all work; added word "omissions" to engineer's responsibility and limited liability for errors beyond engineer's control; limited liability for use of advanced technology; engineer not guarantor or construction contract; provision for change in cost if EPA requirements change; modify termination for convenience; modify

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
12/29/76	Part 35 - Continued		remedies provisions; payments per schedule or monthly; retainage at option of grantee; audit report reviewed by engineer only as related to engineer's work; defective cost or pricing clause applicable only if contract exceeds $100,000; allows grantee to specify percentage of subcontracting, otherwise 30%; reaffirms prohibition of gratuities; prior subagreements may be renegotiated to include new C-1 if desired; adds clauses to C-2 formally contained in mandatory "Contract Documents for Construction of Federally-Assisted Water and Sewer Projects" (class deviation from use of Contract Documents issued 9/20/76); between 9/20/76 and 2/1/77 grantees must assure adequate safeguards.
	35.925-20 Procurement		Requires compliance with procurement provisions prior to grant award.
	35.935-2 Procurement		Grant condition requiring compliance with procurement requirements throughout project.
	35.935-4 State and Local Laws		Deleted as covered in 35.936-2.
	35.935-7 Access		Places responsibility for assuring access on grantee.
	35.935-11 Project changes		Incorporates, for clarification, prior approval for changes greater than $100,000.
	35.935-15 Utilization of small and minority businesses		Deleted as covered in 35.936-7.
	35.937-10 Subagreement payments - architectural or engineering services		Payments per schedule or monthly; retainage if any at option of grantee.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
12/29/76	Part 35 - Continued		
	35.938-6 Progress payments to contractors		Changes "or" to "and" to provide more protection for progress payments made for specifically manufactured equipment.
	35.938-8 Required construction contract provisions		Revised to require Appendix C-2 in contracts.
	35.945 Grant payments		Revised to conform with other changes and Appendixes C-1 and C-2.
	Appendix C-1, Required Provisions - Consulting Engineering Agreements		Revised and reprinted.
	Appendix C-2, Required Provisions - Construction Contracts		Revised and reprinted.
2/4/77	Part 35 - State and Local Assistance	N/A	Proposed changes to guidelines provide detailed discussion of: population forecasting; reserve capacity; staging of construction; capacity beyond grant eligible cost-effective capacity; interceptor sizing; average daily per capita flows; service life of conveyance pipes (see 2/25/77 for correction).
(I) 4/25/78 (F) 9/27/78	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)		
	Appendix A - Cost-Effectiveness Analysis Guidelines		
	Proposed Preamble FR p. 6841		

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
2/7/77 (F) 6/26/78	Part 128 and Part 403 - Pretreatment Standards for Existing Sources and New Sources of Pollution Proposed Preamble FR p. 6476		This proposed regulation, "...sets forth four proposed options reflecting various approaches to establishing and enforcing pretreatment requirements;" the proposed options will be subject to public written comments and a public hearing; indicates that Part 128 will be replaced with a new Part 403.
2/8/77 (P) 5/9/75 (F) 6/30/78	Part 33 - Subagreements Sec. 33.001-33.750, Appendix A Interim Preamble FR p. 8090	3/31/77*	Applicable to all procurement except A/E and construction contracts for grants program (35.936[a]); grants program procurement must comply with 35.936-35.939; modeled after Part 35 procurement regulations; *effective date changed multiple times as follows: on 3/10/77 changed to 5/1/77; on 5/2/77 changed to 6/30/77; on 6/29/77 changed to 10/1/77; on 10/3/77 changed to 3/1/78; on 3/13/78 changed to 10/1/78; on 10/18/78 changed to 2/1/79; on 2/21/79 deferred until further notice.
2/10/77	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Sec. 35.925-18(a)(3) Limitation upon project costs incurred prior to award Temporary Class Deviation	N/A	Allows as eligible cost Step 2 design work begun before Step 2 grant award under certain conditions with case-by-case decision by Regional Administrator; deviation expires 9/30/77.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
2/25/77	Part 35 - State and Local Assistance	2/25/77	Changed word "of" to "or" to read, "...exceed 10 percent of the total design flow of the treatment works exclusive of the allowance or 25 percent..."
(P) 2/4/77 (I) 4/25/78 (F) 9/27/78	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972)		
	Appendix A - Cost-Effectiveness Guidelines g(2)(c)		
	Correction Preamble FR p. 11026		
6/29/77	Part 35 - State and Local Assistance	6/29/77	Regulation, "...issued to make technical amendments and correct minor errors in 40 CFR Part 35. It makes no substantial changes in regulation..."
	Technical Amendments		
	Final Preamble FR p. 33034		
	Subpart C - Grants for Construction of Wastewater Treatment Works		Relates to grants for construction of treatment works under Section 8 of the Federal Water Pollution Act, i.e., grants authorized from legislation prior to the major amendments of 1972 (PL 92-500 enacted 10/18/72).
	35.835-2 Basin Control		Refers to 35.150-1 in effect at the time of grant award.
	35.835-3 Regional and metropolitan plan		Refers to 35.150-2 in effect at the time of grant award.
	Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) 35.939 Protests Sec. 35.939(b)(1), (f)(7), (j)(3) and (k)		Amends the time limitations and other procedural requirements for protests.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
8/31/77	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (FWPCAA of 1972) Class Deviation Preamble FR p. 43880	See Below	Class deviations concern payment limitations for user charge and industrial cost recovery systems, sewer use ordinance and operation and maintenance manual for segmented or multiple construction projects which have been awarded grants.
	35.935-13 User charges and industrial cost recovery (a)	5/6/76 9/30/76	Limits payments on Step 3 projects until UC/ICR systems approved by EPA; deviation for ICR dated 5/6/76 clarifies regulation for segmented or phased projects and limits 80% payment until segment or phase becomes operational or aggregate of all phases or segments is 80%; same deviation applied to UC system on 9/30/76.
	35.935-12 Operation and maintenance (d) 35.935-11 Sewer use ordinance and evaluation/rehabilitation program	8/24/77	Limits payments on Step 3 projects until O&M manual and sewer use ordinance approved by EPA; deviation for O&M manual and SUO dated 8/24/77 clarifies regulation for segmented or phased projects and limits payment (80% for SUO; 50% and 90% for O&M manual) as above.
12/27/77	Clean Water Act of 1977 PL 95-217	12/27/77	The Clean Water Act of 1977 was enacted on this date and introduced major amendments to the Federal Water Pollution Control Act of 1972.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
2/23/78	Part 35 - State and Local Assistance Subpart D - Reimbursement Grants Sec. 35.850-35.880 Final Preamble FR p. 7426	2/23/78	Based on the Clean Water Act of 1977 (amends the FWPCAA of 1972), projects on which construction was initiated after 6/30/72 but before 7/1/73 may be eligible for reimbursement grants; applications must be received by 3/27/78; funds not appropriated as of this date; other changes to this subpart apply to new applications.
4/25/78 (I) 5/18/78 (I) 6/2/78 (F) 9/27/78	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Proposed regulations implementing Clean Water Act of 1977 Preamble FR p. 17690	N/A	Preamble provides detailed discussion of innovative and alternative technology considerations; recreational use and pretreatment; interim/final regulations implementing other provisions of the CWA of 1977 are published on this same date as shown below; these proposed regulations "...should be read with the interim/final regulations..."
4/25/78 (I) 5/18/78 (I) 6/2/78 (F) 9/27/78	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Interim/Final regulations implementing Clean Water Act of 1977 Preamble FR p. 17697	4/25/78	Major issues discussed in the preamble include: state priority; grant eligible categories; land eligibility; individual systems; combined grants (Step 2+3); user charges; industrial cost recovery; Buy American; cost-effectiveness analysis guidelines and reserve capacity; discount rate. While the important subject of innovative/alternative technology is discussed in the proposed regulations of this same date (see above), certain related subjects associated with I/A are included in these interim/final regulations, e.g., land used for composting sludge, individual systems and I/A cost preference.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/25/78	Part 35 - Continued Grant Eligible Categories		
	35.905-03 Treatment works 35.925-13 Sewage collection system 35.925-21 Storm sewers		Primarily discusses eligibility and justification requirements for sewage collection system projects particularly with regard to density of residences per acre; grants for separate storm sewers are prohibited.
	Land Eligibility 35.905-23 Treatment works 35.940-3 Cost allowable, if approved		Land used for the temporary storage of treated wastewater prior to land application and land used for composting sludge is eligible for grant participation; limits expanded land acquisition eligibility to projects which have not received approval of facilities plans before 12/27/77.
	Individual Systems 35.905-23 Treatment works 35.917-1(b) Contents of facilities plans 35.918 Individual systems 35.918-1 Additional limitations on awards for individual systems		Distinguishes between small "publicly" and "privately" owned individual systems and relates definitions to cost preference for alternative technology or unconventional treatment works; principal residences or small commercial establishments must be inhabited before 12/27/77 to be eligible for grant; public body must apply for grant; land for individual systems not eligible for grant; small systems may include septic or cluster systems and pressure and vacuum sewers.
	35.918-2 Eligible and ineligible costs		Items discussed include: - land, in-house systems, site restoration and conveyance pipes.
	35.918-3 Requirements for discharge of effluents		Must meet best practical waste treatment technology (BPWTT) for surface or subsurface disposal.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/25/78	Part 35 - Continued		
	Combined Grants (Step 2+3)		
	35.903(b) Summary of Construction Grants Program		New optional provision for communities with population of 25,000 or less and projects $2 million or less ($3 million in states with unusually high construction costs).
	35.909 Step 2+3 grants		
	35.920-3(d) Contents of Application		
	35.930-1(a)(4) Types of Projects		35.930-1(a)(5) deleted.
	35.935-4 Step 2+3 grants		
	35.935-9 Project completion		
	User Charges		
	35.905-26 User charge		Allows grantees to use ad valorem taxes as a basis for developing its user charge system provided a dedicated ad valorem system was in use on 12/27/77; other limitations on industrial and large commercial users discussed; if a user charge system based on actual use has been approved, may not now substitute a system based on ad valorem taxes; after 6/30/79 no Step 3 grant awarded unless user charge system approved, i.e., development of user charge system becomes Step 2 activity rather than Step 3 activity; for grants awarded after 4/25/78, user charge system must be approved by 6/30/79 or no Step 3 grant.
	35.929 Requirements for user charge system		
	35.929-1 Approval of the user charge system		
	35.929-2 General requirements for all user charge systems		
	35.929-3 Implementation of the user charge system		

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/25/78	Part 35 - Continued Industrial Cost Recovery 35.905-6 Industrial cost recovery 35.905-8 Industrial user 35.928 Requirements for an industrial cost recovery system 35.928-1 Approval of the industrial cost recovery system 35.928-2 Use of industrial cost recovery payments 35.928-3 Implementation of the industrial cost recovery system 35.928-4 Moratorium on industrial cost recovery payments		Exempts from industrial cost recovery (ICR) industrial user which discharges the equivalent of 25,000 gallons per day or less of domestic sanitary waste; permits portion of recovery funds to be used for administration of ICR system; places 18 month moratorium (until 6/30/79) on the collection of ICR payments; however, grantees must continue to develop ICR systems during moratorium period; definition of industrial user revised; neither moratorium nor 25,000 gallons per day limitation apply to users of individual systems; after 4/25/78 payments withheld for noncompliance with ICR requirements will be released; after 6/30/79 no Step 3 grant awarded unless ICR system approved, i.e., development of ICR system becomes Step 2 activity rather than Step 3 activity.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/25/78	Part 35 - Continued Requirements for American Materials (Buy American)		
	35.936-13(d) Specifications		No Step 3 grant, for which an application has been received by EPA after 2/1/78, shall be made unless the specifications give preference to domestic construction materials; in general, domestic materials given 6% preference over foreign made materials.
	35.938-9(b)(5) Subcontracts under construction contracts		
	35.939(j)(6)(i) Protests		
	Appendix C-2, Clause 17 Required Provisions - Construction Contracts		
	Cost-Effective Analysis Guidelines and Reserve Capacity		
(P) 2/4/77 (F) 9/27/78	Part 35, Appendix A - Cost-Effectiveness Analysis Guidelines		Cost preference (15%) applied to entire system where innovative or alternative (I/A) technologies represent more than 50% of its cost; where I/A less than 50%, cost preference only applied to replaced components (see proposed regulations of this same date); may use state population forecasts rather than Department of Commerce if year 2000 projection does not exceed Department of Commerce by more than 5% or exceed a 208 agency projection by more than 10%; requires grantee to consider flow reduction methods except where population is 10,000 or less or average daily base flow is 70 gallons/capita/day or less; discount rate at 6-5/8%; for reserve capacity beyond that eligible for grant, grant is based on cost-effective size rather than proportion of cost-effective capacity to design capacity; state cost-effectiveness guidelines may be used provided they are at least as stringent as EPA's and have been subject to a public hearing.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/18/78 (P) 4/25/78 (I) 4/25/78 (P) 6/2/78 (F) 9/27/78	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Interim/Final Preamble FR p. 21460	5/18/78	Corrections made to the 4/25/78 interim/final regulations; in several locations in the preamble and regulations, a parenthesis was used, "(insert 90 days after effective date);" this correction establishes those dates; in the preamble FR p. 1700, 3rd column, 15th and 16th lines insert 7/24/78.
	35.928(b) Requirements for an industrial cost recovery system, (a)(2), (b)		Insert date 4/25/78.
	Appendix A - Cost-Effectiveness Analysis Guidelines 3. Applicability		Insert date 6/26/78.
	35.909 Step 2+3 grants		Introductory paragraphs (b) and (b)(1) were omitted and now added, i.e., limits Step 2+3 grants to communities with population 25,000 or less.
6/2/78	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Proposed Technical Amendments Preamble FR p. 24248	N/A	The proposed technical amendments to the regulations are numerous and are based on operating experience, PRM's and deviations from existing regulations; the proposed amendments are not derived specifically from the Clean Water Act of 1977; this proposed regulatory change when coupled with the 4/25/78 interim/final regulations forms the basis for the final conformed version of the construction grants regulations; the proposed regulations present the proposed section, each of which is followed by a detailed explanation; while these proposed regulations are not requirements, the discussion of the proposed change may be useful in clarifying a particular issue as it appears in the final conformed version of the Subpart E regulations published 9/27/78.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
6/26/78 (P) 2/2/77	Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution Final Preamble FR p. 27736	8/25/78	Replaces earlier pretreatment regulations (40 CFR Part 128); applicable to publicly owned treatment works (POTW's) with a design flow of 5 million gallons per day or more; funding for development of a pretreatment program may be through the Construction Grants Program; these final regulations are a major reprint of EPA's pretreatment requirements.
6/30/78	Part 30 - General Grant Regulations and Procedures Final Preamble FR p. 28484	6/30/78	These miscellaneous amendments include new provisions and correct others to conform with revised regulations from Part 35; selected amendments which impact the Construction Grants Program are shown at left.
	30.135-22 Subagreements		Revised definition.
	30.345-4 Costs incurred prior to execution		Costs incurred prior to execution of grant agreement by EPA are generally not allowable.
	30.410-2 Executive Order 11988		Concerns floodplains and requires evaluation to minimize harm.
	30.410-5 Executive Order 11990		New section concerning protection of wetlands.
	30.430 Noncompliance		Revises sanctions against grantees for noncompliance.
	30.610 Rebudgeting of funds		Changes limits for notification of rebudgeting to $1,000 from $500; also modifies conditions for prior approval prior to rebudgeting.
	30.615-3 Withholding of funds		Removes a 10% limit and allows amount necessary to assure compliance with grant conditions or regulations.
	30.620-3 Interest earned on grant funds		Reaffirms that interest earned on grant funds must be returned to EPA; provides exceptions for states and tribal organizations.
	30.615 Force account work		Adds reference to provisions in 35.936-14 - force account work.

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
6/30/78	Part 30 - Continued		
	30.705 Allowable costs		Requires costs to be authorized by applicable statutory provisions.
	30.705-1 Payment to consultants		New section limits payment for individual consultants to equivalent of GS-18 rate; does not limit payment for negotiated contracts with engineering or other firms.
	30.715-2 Indirect costs		Completely revises this section and provides guidelines to be used for determining allowability of indirect costs.
	30.720 Cost sharing (c)		Requires that grants from other federal government be authorized by law or regulations for that specific purpose.
	30.725-4 Requirements (c)		Changes limits for formal cost analysis to $150,000 from $100,000.
	30.800 Financial management		Audits must conform to generally accepted auditing standards.
	30.805 Records (c)		Restructures section and defines the three year retention policy as beginning on the date of approval of the final payment request.
	30.810-4 Title of property		Adds limit of $10,000 or more to requirements.
	30.810-5 Real property (d)(2)(ii), (d)(3)		Revises conditions for repayment to federal government when real property is sold which was originally purchased with a federal grant.
	30.820 Audit (b)		Removes reference on timing of audit by EPA.
	30.920-3 Grant termination by EPA (d)		Adds new section (d) concerning the method of termination.
	30.920-5 Annulment of grant (a)(4), (a)(5)		Allows EPA to "unilaterally" annul grant; also adds two additional conditions under which a grant may be annulled.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
6/30/78	Part 30 - Continued		
	30.1100 Final disputes decision		Completely revises section and includes required language for forwarding decision letter.
6/30/78	Part 33 - Subagreements	Deferred	Note Part 33 effective date deferred until further notice.
(P) 5/9/75 (I) 2/8/77	Final Preamble FR p. 28484		
	33.005 Definitions		Revises definition of subagreement.
	33.142 Payment to consultants		New section limiting individual consultants daily rate to equivalent of GS-18; does not affect negotiated contracts with engineering or other firms.
	33.410-4 Bid guarantee performance bonds		Allows grantees to use their own bonding requirements if approved by EPA and if government's interests are adequately protected; bonding companies must be properly licensed.
	33.510-5 Negotiation (d)		Eliminates requirements for A/E negotiations to be conducted in accordance with the "Brook's Bill."

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
8/7/78 (P) 2/16/79	Part 25 - Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act Sec. 25.1-25.19 Proposed Preamble FR p. 34794	N/A	Proposed new Part 25 regulations set forth procedures and requirements for public participation including the formation of Citizens Advisory Group; item 7 in the preamble discusses "Reimbursement of participation expenses."
8/7/78 (P) 2/16/79	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Proposed Preamble FR p. 34802	N/A	Proposed revisions to Part 35 to incorporate the requirements for public participation in the proposed Part 25.
9/27/78 (P) 4/25/78 (I) 4/25/78 (I) 5/18/78 (P) 6/2/78	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Sec. 35.900-35.970; Appendixes A, B, C-1, C-2, D, E Final Preamble FR p. 44022	10/1/78	The publication of these final regulations represents a major revision and reprint of the construction grants regulations primarily implementing the provisions of the Clean Water Act of 1977; they also represent a conformed version of the regulations; the preamble to these regulations should be reviewed for all grants awarded after 10/1/78; because of the extensive changes only the major subject areas discussed in the preamble are listed in the left column opposite this comment; item 15, Technical Amendments, contains a long list of changes to the regulations by specific section; the technical amendments should be reviewed carefully.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
9/27/78	Part 35 - Continued Major Subjects Discussed 1. State Priority 2. Innovative and Alternative Technologies 3. Individual Systems 4. Cost-Effectiveness Analysis Guidelines and Reserve Capacity 5. Grant Eligible Categories 6. Land Eligibility 7. Recreational Use 8. Combined Grants (Step 2+3) 9. Pretreatment 10. Industrial Cost Recovery 11. User Charges 12. Requirements for American Materials (Buy American) 13. Local Assistance 14. Miscellaneous Comments 15. Technical Amendments		

1978 Continued

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
11/15/78 (I) 10/7/77	Part 133 - Secondary Treatment Information Regulation - Suspended Solids Limitations for Wastewater Treatment Ponds Final Preamble FR p. 53464	N/A	Sets limits for suspended solids discharged from treatment ponds (or subcategories for ponds) by individual state; the chart included in this regulation was corrected in the *Federal Register* on 11/27/78.
2/16/79 (P) 8/7/78	Part 25 - Public Participation in Programs Under... The Clean Water Act Sec. 25.1-25.14 Final Preamble FR p, 10286	2/16/79	Reasonable out-of-pocket costs for advisory group members are allowable for grant participation (item 15 in preamble).
2/16/79 (P) 8/7/78	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Final Preamble FR p. 10300	2/16/79	Integrates and implements appropriate sections of Part 25, Public Participation, into the Construction Grants Program (Part 35)
4/27/79	Part 30 - General Grant Regulations and Procedures and Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Class Deviation Preamble FR p. 24926	2/15/79	Deviation allows advance payments for EPA share of the cost of relocation assistance.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/27/79	Part 30 - Continued 30.615-1(a) Method of payment 35.945 Grant payments		
6/15/79	Part 125 - Criteria and Standards for the National Pollutant Discharge Elimination System Subpart G - Criteria for Modifying the Secondary Treatment Requirements Under Section 301(h) of the Clean Water Act Sec. 125.56-125.67 Final Preamble FR p. 34784	6/22/79	Implements amendments to the CWA to allow grant applicants to present their case to EPA for less than secondary treatment when discharging into marine waters; preamble contains very extensive discussion of subject; an appendix identified as Part G - Use of Title II Funds, addresses the use of construction grants funds.
6/18/79	Part 6 - Preparation of Environmental Impact Statements Sec. 6.100-6.905 Proposed Preamble FR p. 35158	N/A	Proposed revisions to Part 6; provides uniform application of National Environmental Policy Act to all federal agencies in accordance with regulations promulgated by the Council on Environmental Quality (40 CFR Parts 1500-1508); allows for exemptions under the Construction Grants Program.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
6/27/79 (7/5/79)	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Miscellaneous Amendments Final Preamble FR p. 37594		Incorrect numbering of the items affected was corrected in FR 7/5/79 p. 39338.
	35.920-3 Contents of application (c)(2)	10/1/79	Adds requirement to include plat of property when Step 3 grant is solely for acquisition of eligible land.
	35.925-15 Treatment of industrial wastes	6/27/79	Changes word "users" to "sources" and renumbers subparagraphs to (a) and (b) from (1) and (2).
	35.925-18 Limitation upon project costs incurred prior to award (b)	10/1/79	Adds requirement for plat for acquisition of eligible land.
	35.930-1 Types of projects (a)(1)	10/1/79	Defers certain requirements when grant is solely for acquisition of eligible land.
	35.936-13 Specifications (c)	10/1/79	Adds sentence, "No experience restriction will be permitted which unnecessarily reduces competition or innovation." This section proposed 9/27/78.
	35.945 Grant payments (g)	10/1/79	New paragraph (g) allows advance payment of relocation assistance.
	Appendix E - Innovative and Alternative Technology Guidelines	6/27/79	
	Paragraph 3b		Changes reference to 35.930-5 from 35.930-6.
	Paragraph 6.3. (1) and (2)		Excludes conventional sewer lines from present worth cost when applying the 15% cost preference.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
8/8/79	Part 30 - General Grant Regulations and Procedures Subpart J - Disputes, Appeal Procedures Notice of New Procedures with Request for Comment Sec. 101-137 Preamble FR p. 46770	6/29/79	This notice establishes new procedures for filing of appeals by grantees and supplements Subpart J; establishes an EPA Board of Assistance Appeals.
8/22/79	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Class Deviation Preamble FR p. 49303	8/13/79	See further modification to this deviation dated 1/4/80 below.
	35.928-4 Moratorium on industrial cost recovery payments		Extends the date for collecting ICR payments to 12/1/79; on 1/4/80 extended to 6/30/80.
	35.935-13 Submission and approval of user charge systems (a)(2)(i), (b)		Allows release of payments through 12/31/79 for grantees who submitted user charge systems for approval prior to 5/1/79; previously no payments after 6/30/79 unless grantee had approved user charge system.
	35.935-15 Submission and approval of industrial cost recovery system		Extends date for approval of ICR systems to 12/1/79; specific dates for development and approval of ICR systems depends on date of grant award; on 1/4/80 extended to 6/30/80.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
1/4/80	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Class Deviation	1/4/80	Same as 8/22/79 class deviation except changes dates.
1/22/80	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Class Deviation	1/22/80	Same as 8/22/79 class deviation except clarifies and adds 35.928-4(c)

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
8/11/80	Municipal Wastewater Treatment Works; Construction Grants Limitations Provided by Section 316 of the Clean Water Act Policy and Procedures Preamble FR p. 53382	8/11/80	Allows EPA to withhold, condition or restrict grants where the state implementation plan concerning air pollution is not being implemented; item IV in a reprinted memorandum addresses "allowable construction grants program costs associated with implementation of this air pollution policy."
11/3/80	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Appendix A - Cost-Effectiveness Analysis Guidelines Proposed Preamble FR p. 72984	N/A	Revised guidelines replace the 4% escalation factor for natural gas with escalation factors for all fuels and electricity.
12/5/80	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatmemt Works (CWA of 1977) Class Deviation Preamble FR p. 81567	10/21/80	Immediately implements provisions of PL 96-483.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
12/5/80	Part 35 - Continued		
	35.909 Step 2+3 grants (b)(2)		Raises dollar ceiling for combination Step 2+3 grants to $4 million ($5 million in high cost states); for Step 2 projects which meet this qualification and already have a grant, they may apply for and add a Step 3 grant.
	35.920-3 Contents of application (b)(8)(ii)		Repeals all ICR requirements retroactive to 12/27/77; ICR funds recovered between 3/1/73 and 12/27/77 to be used in accordance with then applicable regulations; existing work on ICR systems to be terminated and not eligible for grant after 12/31/80.
	35.925-11 User charge and industrial cost recovery		
	35.928 Requirements for an industrial cost recovery system through .928-4		
	35.935-15 Submission and approval of industrial cost recovery system		
12/24/80	Part 35 - State and Local Assistance	12/16/80	Allows 85% grants for Step 1 projects which select innovative or alternative technology projects.
	Subpart E - Grants for Construction of Treatment Works (CWA of 1977)		
	Class Deviation Preamble FR p. 84998		
	35.930-5 Federal share (b)		

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
1/13/81	Part 30 - General Grant Regulations Sec. 30.810-1 Definitions (d) Class Deviation Preamble FR p. 3017	1/14/81	Redefines "nonexpendable personal property" as property with a useful life of at least two years and an acquisition cost of $500 or more.
1/19/81	Responsiveness Summary and Preamble on Public Participation Policy FR p. 5736	1/19/81	EPA's policy for public participation in all EPA programs is set forth; the policy provides guidelines and supplements Part 25 - Public Participation; item 16 in preamble addresses "The Use of Public Funds to Assist the Participating Agency;" item D.3.b.(2)(b) of the policy allows for reimbursing advisory group members of reasonable out-of-pocket expenses that relate to their participation on the advisory group; item F discusses financial assistance to the public.
1/28/81	Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution Sec. 403.1-403.16; Appendixes A, B, C, D Final Preamble FR p. 9404 Effective date later deferred - FR p. 19936	3/13/81	Pretreatment regulations modified to conform with court actions; complete reprint and lengthy (35 pp.) preamble; item II.A. of the preamble states, "The development of such programs [locally-run pretreatment program] is fundable through construction grants...;" also see class deviation 7/21/81 and proposed/final regulations 10/13/81 and 2/1/82 respectively; regulations dated 9/28/82 and based on court decision made regulations effective retroactive to 3/30/81.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4/6/81 (P) 3/2/82 (I) 5/12/82 (F) 3/28/83	Part 33 - Procurement Regulations and Part 35 - Grants for Construction of Treatment Works - Clean Water Act Proposed Rulemaking	N/A	This proposed rulemaking sets forth a preliminary concept paper for implementing OMB's procurement requirements (Attachments O to OMB Circular A-102); encourages grantees to use their own procurement systems if they meet federal minimum requirements.
5/18/81 (P) 11/6/81	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Proposed Preamble FR p. 27314	N/A	Proposed changes implement legislation enacted 10/21/80 (PL 96-483) and other changes EPA deems necessary; implements the 12/5/80 class deviation; however, proposed changes, while extensive, were never finalized because of legislative changes enacted on 12/29/81; portions of these changes also are proposed in the new Subpart I regulations (11/6/81).

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
7/27/81	Part 35 - State and Local Assistance Subpart E - Grants for Construction of Treatment Works (CWA of 1977) Class Deviation Preamble FR p. 38355	N/A	Suspends indefinitely the effective date of the pretreatment program construction grants provisions until EPA makes a final decision on pretreatment program requirements.
	35.920-3 Contents of application (b)(9), (c)(4)		Effective date suspended until further notice.
	35.935-19 Municipal pretreatment program		Suspends the grant payment conditions; effective date suspended until further notice.
10/13/81	Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution Final Preamble FR p. 50502 Proposed Preamble FR p. 50503	1/31/82	EPA is to reinstate the effective date for the pretreatment program construction grants provisions effective on 1/31/82; however, EPA has also proposed that the effective date or the regulations be modified before the effective date; see regulations 9/28/82 which made regulations effective retroactively to 3/30/81.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
11/6/81	Part 35 - State and Local Assistance	N/A	Proposed comprehensive revision to the Construction Grants Program regulations; new Appendix A listing allowable costs by type; this regulation was never finalized because of the 12/29/81 amendments to the CWA.
(P) 5/12/81 (I) 5/12/82	Subpart I - Grants for Construction of Treatment Works (CWA of 1977)		
	Sec. 35.2000-35.2350; Appendix A - Determination of Allowable Costs		
	Proposed Preamble FR p. 55220		
12/29/81	Municipal Wastewater Treatment Construction Grants Amendments of 1981 (PL 97-117)	12/29/81	The 1981 amendments were enacted on this date and introduced major (elimination of Step 1 and Step 2 grants) amendments to the Clean Water Act of 1977.
1/28/82	Part 35 - State and Local Assistance	1/12/82	This class deviation implements important provisions of the 1981 amendments to the Clean Water Act immediately while allowing time for complete revision of the construction grants regulations.
	Subpart E - Grants for Construction of Treatment Works (CWA of 1977)		
	Class Deviation Preamble FR p. 4066		
	35.930-1 Types of projects (a)(1), (a)(2)		Effective 12/30/81 Step 1 and Step 2 grants may not be awarded but an allowance will be provided for planning and design with Step 3 grants.
	35.909 Step 2+3 grants (b)		Raises combined Step 2+3 project cost limitation to $8 million; however, Step 2 allowable costs will be based on the allowance determined by Step 3 construction costs.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
1/28/82	Part 35 - Continued		
	35.936-13 Specifications (a)		Grantees may use one brand name (instead of two) followed by the words "or equal."
2/1/82	Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution	1/31/82	The provisions of the pretreatment regulations originally published 1/28/81 in the *Federal Register* (FR p. 9404) were postponed and later proposed to become effective on 1/31/82; all sections except those listed at left become effective on 1/31/82; those at left deferred until further notice; see regulations dated 9/28/82 which made regulations effective retroactively to 3/30/81.
	Final Preamble FR p. 4518		
	403.3(i) Definition of Interference	Deferred	
	403.(n) Definition of Pass Through	Deferred	
	403.(e) Combined Wastestream Formula	Deferred	
	403.7 Revision of Categorical Pretreatment Standards to Reflect POTW Removal of Pollutants	Deferred	
3/2/82	Part 33 - Procurement Under Assistance Agreements	N/A	These proposed procurement regulations will eventually replace the construction grants procurement regulations (35.936-35.939); the regulations implement Attachment O to OMB's Circular A-102.
(P) 4/6/81 (I) 5/12/82 (F) 3/28/83	Sec. 33.001-33.1135		
	Proposed Preamble FR p. 8960		

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
3/8/82 (I) 1/7/83	Part 6 - Implementation of Procedures on the National Environmental Policy Act Interim Preamble FR p. 9827 6.103 Responsibilities (a)(1)(iii)-(vi) 6.105 Synopsis of EIS Procedures (b) 6.107 Categorical exclusions 6.400 Public involvement (f) 6.502 Applicability 6.503 Consultation during the environmental review process 6.504 Public participation 6.505 Limitations on actions during environmental review process 6.506 Criteria for preparing EIS's and granting categorical exclusions 6.507 Environmental review process 6.508 Limits on delegation to states	3/8/82	Amendments to Part 6 primarily provide for categorical exclusions from substantive environmental review for certain types of projects, i.e., for projects which are small scale, minor and routine (e.g., replacement, minor rehabilitation, minor expansion, minor upgrading not resulting in increasing the sizes of sewers or treatment plant); grantees may be granted an exclusion and therefore will not have to prepare an environmental information document as part of facilities planning; sections affected by the implementation of the categorical exclusion are listed in the left column.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/12/82 (P) 3/2/82 (F) 3/28/83	Part 33 - Procurement Under Assistance Agreements Sec. 33.001-33.1135; Appendix A Interim/Final Preamble FR p. 20474	5/12/82	This procurement regulation is effective for projects for which grants are awarded after 5/12/82; earlier procurement regulations in 40 CFR Part 35, Subpart E, Sections 35.936, .937, .938 and .939 remain applicable to projects for which grants were awarded prior to 5/12/82; the regulation supplements new construction grants regulations published this same date as Part 35, Subpart I; this regulation is based on Attachment O to OMB's Circular A-102 and emphasizes use of grantee's procurement system if it meets minimum federal standards; major issues discussed in the preamble include: regulations not applicable to facilities planning nor design as EPA no longer provides grants for these activities; grantees receiving awards prior to 5/12/82 may elect to use these regulations for future procurements; procedures for grantees who cannot certify their own procurement system as meeting requirements of Part 33; discussion of single material specifications and its restriction on competition; provision for using same A/E who performed facilities planning and design on grant assisted project (Step 3) without further competitive procurement; discussion of interim procedures concerning minority and women's businesses; this regulation is a complete reprint and replaces earlier Part 33.
5/12/82 (P) 11/6/81	Part 35 - State and Local Assistance Subpart I - Grants for Construction of Treatment Works Sec. 35.2000-35.2350; Appendix A Interim/Final Preamble FR p. 20450	5/12/82	The publication of the interim/final regulations represents a major revision and reprinting of new construction grants regulations and primarily implements provisions of the "Municipal Wastewater Treatment Construction Grants Amendments of 1981" (PL 97-117); they significantly amend the Construction Grants Program, among other things, eliminating facilities planning (Step 1) and design (Step 2) grants and replacing the grants with an allowance at the time of construction (Step 3) grant award. The preamble to these regulations should be reviewed for all

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/12/82	Part 35 - Continued		grants awarded after 5/12/82. Because of the extensive changes only the major subject areas discussed in the preamble are listed in the left column opposite this comment. Appendix A to these regulations assembles in one location a listing of allowable and unallowable project costs. The preamble also contains a table which cross references the new Subpart I (35.2000 series) to the earlier Subpart E (35.900 series).
	Major Subjects Described		
	1. Effective Date		Subpart I regulations applicable to grants made after 5/12/82; earlier grants continue to be subject to Subpart E.
	2. Allowance		An allowance for facilities planning and design will be included with a construction (Step 3) grant; procurement regulations (new Part 33) not applicable to facilities planning nor design.
	3. Advances		Advances of allowance may be made to small communities with decision solely by states.
	4. Water Quality Emphasis		State to emphasize priority water quality areas when preparing project priority lists.
	5. NEPA Compliance		Grant applicant encouraged to obtain environmental review of projects after completion of facilities planning and before design.
	6. Financial Capability		Grant applicant to demonstrate financial capability before award of grant assistance.
	7. Phased Segmented Projects		States to give priority to completing earlier phased/segmented projects.
	8. Project Performance		Grantees to certify after one year of operation that project meets design specifications; grantee to procure A/E services for first year of operation and costs for these services allowable.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/12/82	Part 35 - Continued		
	9. Step 2+3		Dollar ceiling limitation raised to $8 million; Step 2+3 grants to employ the allowance provisions.
	10. Combined Sewer Overflow		Limited funds for specific state justified projects; after 9/30/84 no longer eligible for grants.
	11. Innovative and Alternative (I/A) Technology		Approved I/A projects eligible for 20% additional grant not to exceed 85% federal share.
	12. State Certification		EPA to act within 45 days after delegated state certification of project compliance with regulations.
	13. Collection Systems		Project category not eligible for grant after 9/30/84 unless Governor elects to approve.
	14. Infiltration/Inflow		Sets numerical limits for nonexcessive I/I; option for grantee not to remove excessive I/I but grant limited to capacity required for 120 gallons/person/day.
	15. Compatible Industrial Wastewater		Establishes eligibility test which stipulates that grants awarded, "...only if the treatment works would be eligible for grant assistance in the absence of the proposed industrial capacity."
	16. Reconstruction Costs		EPA policy not to award "second time" grants for failed projects built with federal grant except for qualifying I/A projects.
	17. Advanced Treatment Reviews		Encourages grant applicants to obtain EPA headquarters review of advanced treatment projects after completion of facilities plans and before design is begun.
	18. Public Participation		EPA prohibited from requiring compliance with public participation regulations (Part 25) during facilities planning and design; encourages voluntary compliance however.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
5/12/82	Part 35 - Continued		
	19. Delegation		In delegated state, the term "Regional Administrator" in the regulations may be read "state agency."
	20. Project Schedule		Project schedule of key events to be included with application for grant.
	21. Work by Debarred or Suspended Persons		Grant applicants are to certify whether project work was performed by debarred or suspended persons (40 CFR Part 32).
	22. Project, Treatment Works and Complete Treatment System		Clarifies terminology.
	23. Building		Term "building" used throughout regulations rather than "construction" which has broader definition and includes planning and design.
	24. Appendix A: Allowable Costs		New appendix categories costs as: travel, subagreement costs, facilities planning, small systems, equipment, etc.
5/12/82	Part 35 - State and Local Assistance Subpart I - Grants for Construction of Treatment Works Appendix B - Allowance for Facilities Planning and Design Proposed Preamble FR p. 20471	N/A	Proposed procedures, including tables, for computing the allowance for facilities planning and design based on estimate of project building costs.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
6/18/82 (F) 9/30/83	Part 30 - General Regulations for Assistance Programs Sec. 30.100-30.1210; Appendixes A, B and C Proposed Preamble FR p. 26564	N/A	This proposed regulation represents a major revision to the regulations in order to simplify and make them more readable; major changes concern: Federal Grant and Cooperative Agreement Act; Patent Rights; Property Management; Peer Review of Publications; and Debarment.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
9/28/82	Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution Final Preamble FR p. 42688	3/30/81	Based on a court decision the general pretreatment regulations published in the *Federal Register* on 1/28/81 and which were subsequently deferred on several occasions are to become effective retroactively to 3/30/81.
1/7/83 (P) 3/8/82	Part 6 - Procedures for Implementing the National Environmental Policy Act Interim/Final Preamble FR p. 1012	1/7/83	The interim regulations dated 3/8/82 are revised for the criteria related to categorical exclusion from substantative environmental review.
	6.506 Criteria for preparing EIS's and granting categorical exclusions (c)(1)(ii) and (iii) and (c)(2)(iii)		Increases community size criterion to 10,000 from 3,500 population; removes reference to alternative technologies; increases excess capacity to 30% from 20%.
	6.507 Environmental review process		Corrects an error in the 3/8/82 regulations which placed responsibility for preparation of a formal environmental assessment on grantee; responsibility for preparation rests with EPA.

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
1/7/83	Part 6 - Procedures for Implementing the National Environmental Policy Act Subpart E - Environmental Review Procedures for the Wastewater Treatment Construction Grants Program Sec. 6.500-6.514 Proposed Preamble FR p. 1014	N/A	This proposed regulation represents a reordering and clarifying of Subpart E sections related to the Construction Grants Program; the reordering reflects the 1981 amendments which eliminated Step 1 and Step 2 grants and makes the NEPA regulations follow more closely the grant processing procedures; when finalized, will be applicable to projects receiving grants prior to 12/29/81 since there is no substantative change in the environmental review process.
1/24/83 (F) 6/24/83	Part 35 - State and Local Assistance Part 30 - General Regulations for Assistance Programs Proposed Preamble FR p. 3208	N/A	Based on Executive Order 12372, it is proposed to eliminate the clearinghouse review process (commonly referred to as the A-95 review) and replace it with a revised intergovernmental consultation process.
3/28/83 (P) 3/2/82 (I) 5/12/82 (F) 7/1/83	Part 33 - Procurement Under Assistance Agreements Sec. 33.001-33.1145 Appendix A Final Preamble FR p. 12922	3/28/83	Finalizes the interim/final regulations published on 5/12/82; provides optional retroactive application if elected by grantees; major issues discussed in the preamble include: quality assurance requirements for grantee contractors; definition of MBE and WBE firms; grantee reporting requirements even though grantee may have certified procurement system; reconfirmation of prequalified list and prohibition against preference for local or in-state bidders; no EPA mandated goals for MBE or WBE participation; grantee contractors must take MBE and WBE affirmative

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
3/28/83	Part 33 - Continued		action steps only if contractor employes subcontractors; discussion of brand name or equal; personal services rate limited to GS-18 grade for EPA grant; subcontractor requirements not applicable to suppliers of materials or equipment; discussion of procurement and negotiations for A/E services including use of same A/E from Step 1 and Step 2; provision for including labor standards provisions form; eliminates verbal change orders; defective pricing clause limits returned to \$100,000 from \$500,000; progress payments for manufactured equipment not mandatory; this regulation is a complete reprint and replaces the interim Part 33 (5/12/82). Minor technical and typographical corrections 7/1/83.
6/24/83 (P) 1/24/83	Part 29 - Intergovernmental Review of the Environmental Protection Agency Programs and Activities Sec, 29.1-29.13 Final Preamble FR p. 29288	9/30/83	This new Part 29 of Title 40 implements a new intergovernmental review process and replaces the procedures and requirements contained in OMB's Circular A-95 (clearinghouse reviews). The new review process provides greater flexibility, "...by relying on state and local processes for state and local government coordination and review of proposed federal financial assistance and direct federal development." Among other things, the regulations allow states to select the program to which the state review process will be applicable, establish a "single point of contact" for each state, and prescribe the federal review and response procedures. The regulations implement and satisfy requirements for Executive Order 12372, Intergovernmental Cooperation Act of 1968 and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966. Also published on this same date is a listing of "Programs and Activities Eligible for Intergovernmental Review Under 40 CFR Part 29 and Subject to Section 204 of the Demonstration Cities and Metropolitan Development Act" (FR p. 29304).

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Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
7-1-83	Part 33 - Procurement Under Assistance Agreements	7-1-83	Minor technical and typographical corrections are made to the 3-28-83 regulations as shown below. Other changes not shown below include minor items such as changing contract to subagreement, singular to plural or vice versa, or correcting reference numbers.
(F) 3-28-83	Correction		
	Final Preamble FR p. 30364		
	33.001 Applicability and scope of this Part, (g)		In the parenthetical exceptions delete "...§33.211 'Recipient reporting requirements'..."
	33.211 Recipient reporting requirements, (e)		Change word "offerors" to "offers."
	33.280 Payment to consultants, (a)		In the parentheses delete the words "...contractors and subcontractors..." and insert the word "...consultants..."
	33.1016 Labor standards provisions		Add immediately after section heading, "(This clause applies only when required by statue)."
	Appendix A, (b)(1)		After the word "official" insert the dependent clause, "..., unless he instructs otherwise,..."
9-30-83	Part 30 - General Regulation for Assistance Programs	9-30-83	Major reprint of Part 30, "implementing Federal Grant and Cooperative Agreement Act and using plain English;" effective date for Subpart L, Disputes, is 11-1-83; eliminates most EPA internal operating procedures and most of the detailed procedures that explained how recipients comply with specific requirements; includes a table showing the relationship between former and revised Part 30; among the subjects discussed in the preamble which
	Sec. 30.100-30.1235; Appendixes A, B, C, D		
	Final Preamble FR p. 45056		

1983 CONTINUED

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
9-30-83	Part 30 - Continued		have a direct bearing on the Construction Grants Program are: records retention; access to records; property management; project changes; interest charges paid to the government; noncompliance action taken by EPA; appeal and disputes procedures including the elimination of the Board of Assistance Appeals; quality assurance as related to wastewater treatment works and the collection of environmentally related data. The regulation is written in a new question/answer format.
11-16-83 (P) 9-20-84	Part 133 (Proposed) Preamble FR p. 52258	N/A	This proposed rule, including a request for comments, amends the secondary treatment information regulation. The proposed rule change to the 1981 amendements which relates to eligible cost is: Added to the category of eligible facilities are those secondary treatment plants which use the trickling filter (TF) or waste stabilization pond (WSP) treatment process and provide significant biological treatment of wastewater, but cannot consistently meet secondary treatment requirements.
1-30-84	Notice FR p. 3832	1-30-84	This notice sets forth EPA's policy on ensuring that all publicly-owned treatment works (POTW) comply with the statutory requirements and compliance deadlines in the Clean Water Act, whether or not they receive Federal funds. EPA's goal is to obtain compliance by POTWs as soon as possible, and no later than July 1, 1988.
2-10-84	Part 403 (Final) Preamble FR p. 5131	2-10-84	Pursuant to a court order, this rule suspended the pretreatment regulatory definitions of "new source," "interference" and "pass through." A technical correction was also made clear that the pretreatment fundamentally different factors (FDF)

1983 CONTINUED

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
2-10-84	Part 403 - Continued		variances provision is not available for toxic pollutants. FDF variances are only possible for non-toxic pollutants regulated in a categorical pretreatment standard.
2-17-84 (P) 11-6-81 (I) 5-12-82	Part 35, Subpart E revised by new Subpart I (Final); Appendix A, "Determinations of Allowable Costs" published as interim final rule. Preamble FR p. 6224 Major Subjects Described	2-17-84	Revisions to the interim final regulation published on May 12, 1982 (and described in the CFR 1981 section, p. 72) are as follows:
	1. Project Performance Standards		§35.2218. Requires grantee to certify that project performance standards have been achieved (instead of whether the project is capable of achieving performance standards) within a year after the project has been put into use for its intended purpose. If the project is not affirmatively certified, the grantee must provide a corrective action report.
	2. Allotment; Reserves		Clarifications were made to the "Allotment; reallotment" section (§35.2010) and the "Reserves" section (§35.2020).
	3. Grant Application		§35.2040. Grant application section was expanded to include advances of allowance, field testing and marine CSO projects.
	4. Failure to Act		§35.2042. Certified grant applications automatically approved if Regional Administrator fails to act within 45 days after receipt.

1983 CONTINUED

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
	5. Reserve capacity		§35.2123. Clarification was made to limitation on reserve capacity after 1990.
	6. Domestic wastewater		§35.2125. Grant will be awarded only to a project whose principal purpose is for treatment of domestic wastewater, not industrial wastewater. Cost of interceptors serving almost exclusively industrial users is not allowable.
	7. Grandfathered phases or segments		§35.2152. All grandfathered phases or segments (those receiving 75% funding) must be described in a facilities plan approved by the RA before October 1, 1984, and must be built in logical sequence assuring expeditious operation and compliance with the enforceable requirements of the CWA.
	8. Land acquisition		§35.2210. Regional Administrator does not have to approve price of land acquisition but must determine that acquisition requirements have been followed.
	9. Advance of allowance		§35.2300. Section added to cover grants to States for advance of allowances.
	10. Grantee's responsibility		§35.2350. EPA provision of technical or legal assistance does not release grantee from its obligations.
	11. Appendix A (allowable/unallowable costs)		Appendix A provides that:
	(a) Mercury seals		Preamble, p. 6232. Mercury seals are no longer listed as an unallowable cost but must be reviewed case-by-case;

1983 CONTINUED

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
	(b) Plan of operation		§A.1.i. and j. Plan of operation, start-up, and training services are allowable costs;
	(c) Legal defense		§A.2.c. Legal and administrative costs of defense against claims are unallowable unless particular requirements are met;
	(d) Mitigation		§B.2.a. Mitigation costs for aesthetic problems are generally unallowable;
	(e) Land		§D.2.b. Cost of land in excess of just compensation is unallowable;
	(f) Replacement parts		§E.1.g. Replacement part is allowable if it is a critical or major systems component which involves long lead-time procurement;
	(g) Additions		§H.1.d. If additions are demonstrated not to be caused by the grantee's mismanagement or the improper action of others (e.g., the grantee's engineers or contractors), the costs are allowable under limited conditions; and
	(h) Corrective action report		§H.2.1. Cost of a corrective action report is unallowable.
2-17-84	Part 35 (Notice) Preamble FR p. 6254	2-17-84	Notice sets forth Agency policy that CG applicants demonstrate their financial and management capability to construct, operate and maintain (including equipment replacement) a wastewater treatment system.
2-17-84	Part 35 (Proposed rule for new section, 35.2205) Preamble FR p. 6113	90 days after publication as a final rule	This rule proposes to specify that the maximum increase to a grant will be five percent of the initial allowable project cost.

1983 CONTINUED

Date Published in F.R.	Affected Part and Sections	Effective Date	Comments
4-11-84	Class deviation from 40 CFR §35.935-9 Preamble FR p. 14341	3-30-84	§35.935-9 requires Regional Administrators (RAs) to annul or terminate grants for wastewater treatment construction projects which grantees do not begin constructing within 12 months of a grant. RAs are permitted to approve a six-month extension when justified by the grantee in writing. This deviation waives the requirements that RAs annul or terminate those projects which violated §35.935-9. However, RAs (or delegated States) shall review each project subject to this deviation to determine whether any part of the delay was due to grantee mismanagement and disallow any cost increases attributable to unjustified delays.
5-21-84	Policy for Review of Advance Treatment (AT) Projects (Notice) Preamble FR p. 21462	5-21-84	This notice covers program policy and technical procedures for Agency review of advanced treatment (AT) projects proposed for funding under the construction grants program. AT projects are treatment projects designed to meet effluent requirements more stringent than secondary treatment. Approval for AT projects will be given only if it is determined that AT is required and will definitely result in significant water quality and public health improvements.
6-12-84	Policy on Municipal Sludge Management Preamble FR p. 24358	6-12-84	This policy establishes the Federal regulatory rule on sludge management in relationship to State and local governments. EPA will actively promote those municipal sludge management practices that provide for the beneficial use of sludge while maintaining or improving environmental quality and protecting public health.

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PROGRAM ISSUANCES

SUBJECT INDEX

PROGRAM ISSUANCES

(CG's, PM's, PG's, PRM's, Handbooks)

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* Basis for list of allowable costs as contained in the Handbook of Procedures, First Edition.

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ALL REGIONAL CONSTRUCTION GRANTS MEMORANDUM (CG)

1970 - 1971

ALL REGIONAL CONSTRUCTION

GRANTS MEMORANDUM (CG)

1970

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
70-1	1/2/70	All-Region Memoranda of 1969		Advises regions that 47 CG's were issued during 1969.
70-2	1/6/70	Approval of Construction Grant Projects Which Will Not Meet Standards, Enforcement, or Other Implementation Schedules		Projects which are ready to proceed but which will obviously not meet time schedules set forth in water quality plans or enforcement actions may be approved with a disclaimer included in the grant offer; projects which do not meet treatment standards are not to be approved.
70-3	1/21/70	Bureau of the Budget Circular No. A-95, Transmittal Memorandum No. 1		Amends Circular A-95 to clarify responsibilities in overlapping clearinghouse areas.
70-5	2/13/70	Uniform Determination of Bond Issue Costs for Construction Grants		Provides guidance on computing eligible bond costs (printing, advertising, issuing and other costs subsequent to the bond election) including a formula to be used where state or other federal funds are also employed.
70-17	6/18/70	Change in Construction Grants Program Handbook, Re "Advertising and Award of Contract"		Modified procurement procedures to require negotiation with all responsible bidders (not just low bidder) when change is required in bids to reduce costs to affordable level.
70-18	9/29/70	Project Eligibility		Sets forth timing criteria for award of impact grants.
70-19	9/29/70	Eligibility of Chemical Costs for Waste Treatment Plant Start-Up		Allows reasonable amount of laboratory chemicals to be included in project as eligible cost.

CG 1970 Continued

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
70-20	10/13/70	State and Local Assurances Under 601.35 of Regulations		Requires grant applicants to assure proper operation and maintenance of completed treatment works; required paragraph to be made part of grant offer and acceptance form.
70-21	10/13/70	Section 8, Federal Water Pollution Control Act: Inadequate State Funds to Match Federal Allocations		Higher percentage grants (40-50% as distinct from 30% grants) may continue to be made in states that have heretofore provided matching grants even if the state has run out of state funds provided sufficient evidence exists to demonstrate that state plans to provide matching grants at some point in future (e.g., new appropriation by state government).
70-22	10/15/70	Retroactive Eligibility for Increased Section 8 Grants		Increased federal grants may be made where the state enacts a matching grant program either from the effective date of the program or the beginning of the current fiscal year.
70-23	10/23/70	Guidelines for Determining Eligibility of Interceptors and Pumping Stations		Guidelines suggest criteria for determining whether a sewer line is an interceptor (eligible for grant) or trunk or lateral sewer (ineligible for grant).
70-24	11/5/70	Deductions for Liquidated Damages When Computing Final Project Eligible Costs		Collected liquidated damages are to be disregarded when computing eligible project costs and resulting federal grant; this changes former policy as contained in Construction Grants *Handbook of Procedures*.
70-25	11/11/70	Interest on Bond Discounts		Interest on bond discounts are not to be considered as part of the cost of construction; grantee sold bonds to construction contractor as means of payment on a particular project.

CG 1970 Continued

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
70-26	11/9/70	Legal, Administrative and Fiscal Costs of Section 8 Projects		Administrative costs attributable to construction of treatment works are eligible for grant participation; general administrative costs for municipal affairs are not eligible; also reiterates earlier decision concerning ineligible costs for interest on borrowing, costs to prepare financial statements for bonds or bonding, fees for bond counsel, tax assessors and tax collectors.

ALL REGIONAL CONSTRUCTION

GRANTS MEMORANDUM (CG)

1971

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
71-1	1/12/71	Grant Eligibility of Conversion of Mercury Seals on Trickling Filters		Grants may be awarded for converting mercury seals on trickling filter type treatment works to mechanical seals; new mercury seals are not eligible for grant participation.
71-2	1/20/71	All-Region Memoranda of 1970		Advises regions that 26 CG's were issued during 1970.
71-3	2/25/71	Industrial Wastes		Supplements interim guidelines and sets forth policy concerning eligibility of projects where a substantial amount of flow is from one or more industries.
71-4	1/28/71	State Matching Grants on EPA Supplemental Projects		Discusses source of funding where EPA grants are supplemented by Economic Development Administration (Department of Commerce) grants.
71-5	1/21/71	Revisions to Project Sign Details		Provides detailed drawing of required project sign which reflects a change of name for EPA.
71-6	2/17/71	Enforcement of Labor Standards		Responsibility for reviewing and checking construction contractor's payroll forms is transferred to grantees.
71-7	2/19/71	Basis of State Participation in Waste Treatment Construction Grants Program	(SP) 6/30/71 CG 71-14	Discussion of state's obligation to make a matching grant in order for applicant to qualify for higher percentage EPA grant; state need only agree to provide financial assistance to all applicants.
71-8	3/15/71	Experience Clause for Equipment Suppliers		Effective immediately experience clauses for equipment suppliers and materials are to be discouraged for grant projects; recommends bonding where additional warranties are required; in exceptional cases, experience clause may be used if justified.

CG 1971 Continued

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
71-9	3/31/71	Special Procedures for Administering the Grant Funds to be Allocated from the $200 Million of FY 1971 Appropriated Funds Earmarked for Reimbursement or Severe Local and Basinwide Water Pollution Problems		Provides special procedures for payments (examples provided) to reimbursable projects recognizing a short time interval for obligation of funds.
71-13	6/15/71	Wastewater Treatment Facilities, Emergency Readiness and Operating Program and Procedures		Transmits guidelines describing the scope of an emergency operating program which should be included as a part of the O&M manual.
71-14	6/30/71	Basis of State Participation in Waste TReatment Construction Grants Program		Clarifies CG 71-7 (2/19/71) indicating that a state's matching grant cannot be a loan but some form of obligation "to pay" by the state.
71-15	7/26/71	Changes in Filing and Approval Requirements for Form T-128, Compliance Report		Advises states and EPA offices to carefully review project information to insure that discrimination is not practiced with regard to a grantee's treatment works project.
71-16	8/16/71	Use of Section 8, FWPCAA Funds to Reimburse Municipalities for the Purchase of Privately-Owned Treatment Facilities		Grant funds may not be used to purchase existing privately-owned treatment facilities.

CG 1971 Continued

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
71-17	8/20/71	Project Management During Construction		Transmits guidelines defining federal-state-local roles in project management; subjects discussed include: preconstruction conference, responsibility, change orders, inspections and reports.
71-18	8/20/71	Final Audit of Facilities Construction Projects		Sets forth procedures between audit and EPA regional offices for requesting and processing audits.
71-20	12/31/71	Secondary Treatment Requirements of 18 CFR 601.25 as Amended July 8, 1971		Grants may be made for projects providing less than secondary treatment where grantee commits to provide secondary treatment in accordance with an acceptable schedule.
71-21	11/23/71	Joint EPA-HUD Supplementary Guidelines for Water Quality Management Planning		Transmits additional guidelines for determining if a project conforms with a comprehensive plan and is therefore eligible for an additional 10% EPA grant.
71-22	12/22/71	Preapplication and Predesign Review for Waste Treatment Works Construction Projects		Sets forth new procedures for review of projects by states and EPA prior to submission of grant application; procedures intended to accelerate future grant awards.
71-23	12/30/71	Predesign Investigation of Sewer Infiltration Problems		Sets forth guidelines for infiltration studies; costs for such studies are eligible design costs; costs for correction (i.e., construction) are eligible provided such work is not considered routine maintenance.
71-24	12/27/71	FWPCAA - Disaster Relief - Eligibility of Projects Damaged by Disasters for FWPCAA Grants		Projects damaged as a result of a disaster are eligible for EPA grants and may be given higher priority by states; all other conditions and limitations of grants must be met.

CG 1971 **Continued**

CG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
71-25	12/30/71	Septic Tank Waste Disposal		Grants may be made for treatment facilities, whether separate facilities or portions of larger treatment works, to treat septic tank wastes; grantees must insure however that septic waste haulers pay a fair share of capital and O&M costs.
71-26	12/31/71	All-Region Memoranda of 1971		Advises regions that 26 CG's were issued during 1971.

PROGRAM MEMORANDUM (PM)

1972 - 1973

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PROGRAM MEMORANDUM (PM)

1972

PM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
72-1	1/6/72	Field Communications		Announces change from previous "All Regional Construction Grants Memorandum" (CG's) to new mechanism entitled "Program Memorandum" to communicate program policy and directives to regional offices from headquarters.
72-2	1/11/72	Grant Conditions Concerning Basin Planning		Deletes an earlier requirement for inclusion of a specific paragraph concerning conformance with basin, regional or metropolitan plan in grant offers; requirements now set forth in regulations.
72-3	1/13/72	Project "Splitting"	(SP) 6/2/72 PM 72-15	Grant awards may be made for portions (splitting, segmenting, phasing) of projects where an integral treatment works plan is approved and where good cause exists for such "splitting."
72-4	2/2/72	July 13, 1971 Regulations	(SS) 4/19/72 PM 72-8	Provides further clarification and guidance to the regulation (7/13/71) which requires a minimum of secondary treatment (85% removal of BOD's) for award of grant assistance.
72-5	1/24/72	Cost of Municipal Waste Water Treatment Plant Operation and Maintenance Manuals		Provides cost curves to assist (i.e., guidance) regional offices in establishing the reasonableness of costs to prepare operation and maintenance manuals; these costs are allowable for grant participation.
72-6	2/6/72	Safety and Health Regulations	(SP) 5/16/72 PM 72-14	Transmits copy of safety and health regulations promulgated by the Department of Labor which should (not must) be included in project specifications by reference.

PM 1972 Continued

PM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
72-8	4/19/72	Definition of "Open Ocean Waters"		Defines exemption from secondary treatment regulations (7/13/71) for ocean discharges.
72-10	4/28/72	Eligibility of Television Surveillance System Costs	(SP) 8/17/72 PM 72-19	Television inspection costs are allowable for grant participation but must be proportioned based on need for startup (eligible), ratio of interceptors (eligible) to collection sewers (ineligible) and operation and maintenance uses (ineligible); case-by-case decisions.
72-12	5/16/72	Allowability of Costs of Removal and Replacement of Telegraph and Utility Lines		Costs to remove and replace in kind telegraph and utility lines necessary to the construction of treatment works are allowable for grant participation; reverses an earlier decision from the Office of General Counsel, Department of Health, Education and Welfare dated 3/31/66.
72-14	5/19/72	Application of Labor Department Health and Safety Regulations		Labor Department standards (contract work hours and safety) must be included in contract between grantee and construction contractor; construction contractor responsible to comply with "Occupational Safety and Health Act of 1970."
72-15	6/2/72	Project "Splitting"		Strengthens the necessity for demonstrating that a project must be split into segments; requires a firm schedule for completion of the entire system resulting in an operable treatment works.
72-16	7/25/72	Region I Questions and Answers		Attaches answers to nine questions raised by Region I; subjects include: definition of initiation of a project, grant shares (percentages) based on pending legislation, use of various FY funds and other funding decisions.

PM 1972 Continued

PM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
72-17	8/11/72	Extraneous Flow in Waste Treatment Systems		Policy indicates that extraneous flows (infiltration/inflow) must be either removed or treated (minimum of secondary treatment) or combination of both depending on the results of a cost-effectiveness analysis.
72-18	8/17/72	Clarification of 40 CFR 35,835-4, Adequacy of Treatment	(SP) 10/6/72 PM 72-21	Provides technical clarification concerning an acceptable level of treatment to be eligible for grant award.
72-19	8/17/72	Infiltration/Inflow Grant Costs		Defines the sequential procedural steps for sewer system evaluation studies indicating that reasonable costs essential for the studies are eligible for grant participation; indicates I/I studies may be performed by force account; these guidelines will be used until formal regulations are published.
72-20	9/11/72	NEPA Aspects of the Award and Administration of EPA, State and Local Assistance Grants		Provides detailed guidance and legal opinions concerning the implementation of the National Environmental Policy Act (NEPA) to the Construction Grants Program; in general an environmental review and decision by EPA should precede grant award; also includes discussion of grant amendment, termination and other EPA actions including allowable costs and financial liability.
72-21	10/6/72	40 CFR 35.835-4, Adequacy of Treatment		Indicates studies underway to define more accurately "secondary treatment;" requirements in PM 72-18 (8/17/72) should be used as a design goal rather than an inflexible standard until the issue (do waste stabilization ponds and trickling filters satisfy secondary treatment requirements?) is resolved.
72-22	11/2/72	Handling and Disposal of Sludges from Waste Water Treatment Facilities		Provides technical guidelines concerning the disposal of sludge (raw sludge not to be applied to land nor landfills) and the treatment of sludge liquids.

PROGRAM MEMORANDUM (PM)

1973

PM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
73-1	2/21/73	Selection of Materials or Equipment		Discusses equipment and material (particularly for sewer pipe) specifications and conditions under which grant participation will be limited to lowest costing product or if justified by grantee more expensive equipment or material.

PROGRAM GUIDANCE MEMORANDUM (PG)

1973 - 1976

PROGRAM GUIDANCE MEMORANDUM (PG)

1973 - 1976

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
1	5/16/73	Grants for the Construction of Wastewater Treatment Works	(SP) 6/11/73 PG-13 (SP) 5/31/73 PG-5 (C) 7/26/76 PRM 76-2		This guidance document is long and supplements the interim construction grants regulations (40 CFR Part 35, Subpart E) published 2/28/73; Appendix B is a summary policy and guidance statement addressing the specific requirements which will apply in the immediate future; relevant guidance areas discussed include: facilities planning, secondary treatment, infiltration/ inflow, cost-effectiveness guidelines, user charges and industrial cost recovery, pretreatment, plans and specifications requirements, environmental assessments and a tabular summary of construction grants requirements.
3	6/25/73	Use of Revenue Sharing Funds for Waste Treatment Projects	(C) 1/7/81 PRM 81-1	75-1	Revenue sharing funds may not be used for the local share of grant eligible project costs; may be used, however, for unallowable or ineligible items associated with the project.
5	5/31/73	Grants for the Construction of Wastewater Treatment Works	(C) 7/26/76 PRM 76-2		Supplements and further clarifies item IX "plan and specification requirements" of PG-1 with regard to Step 2+3 grants; prohibits "design/construct" grants until guidelines are issued.

PG 1973 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
8	7/17/73	Utilization of Contract Grant Authority Under Title II of PL 92-500 to Increase Grants Awarded Under Section 8 of the Former Federal Water Pollution Control Act	(C) 7/26/76 PRM 76-2		Contractual obligation authority grant funds authorized under the 1972 amendments may not be used to increase grants for projects awarded grants under previous legislation; a separate section of the 1972 amendments sets aside funds for this purpose (reimbursement projects).
9	7/20/73	Revised Policies and Procedures for Grants	(C) 7/26/76 PRM 76-2		Primarily concerns in-house policies and new forms to be used by grantees when requesting payment; payment only made after costs have been incurred, i.e., no advance payments.
10	None	Class Deviation from Regulation 40 CFR 35.925-8	(C) 7/26/76 PRM 76-2		Deviation is granted from the 30 day notice concerning a public hearing where adequate notice has been given for public participation; the deviation expires 7/31/73.
11	6/12/73	Wastewater Treatment Works Construction Grants Extended Administrative Processing Period	(C) 7/26/76 PRM 76-2		Grant award period for FY 73 extended to 7/31/73; however, no grant awarded after 7/1/73 unless grantee demonstrates that the project is not subject to excessive infiltration/inflow.
13	6/11/73	Supplemental Funding, Grant Percentage, Section 202A	(C) 7/26/76 PRM 76-2		Supplements PG-1 and cancels policy in item XI "Supplemental funding;" all grants must be at the 75% level.
14	7/11/73	Experience Clauses for Equipment Suppliers	(C) 1/7/81 PRM 81-1	75-2	In general restates earlier policy (CG 71-8 3/15/71) indicating that restrictive experience clauses are not allowed; if used for good reason, alternate equipment must be considered if supplier is willing to furnish bond or cash deposit against failure.

PG 1973 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
15	9/11/73	Flood Hazard Evaluation Guidelines	(C) 7/26/76 PRM 76-2		Transmits "Flood Hazard Evaluation Guidelines for Federal Executive Agencies," May 1972, for information purposes.
16	9/11/73	Waste Stabilization Ponds	(C) 1/7/81 PRM 81-1	75-3	Reinforces that stabilization ponds which receive grants must provide a minimum of secondary treatment or be upgraded accordingly.
17	5/17/73	Standardized Construction Contract Documents	(SS) 4/15/75 PG-17A		Transmits copies of standardized construction documents (advertisement, bid bond, agreement, etc.) for optional use by grantees.
17A	4/15/75	Standardized Construction Contract Documents	(C) 1/7/81 PRM 81-1	75-4	Provides optional standardized contract documents for use with construction contractors; not mandatory but grantees encouraged to use.
18	10/30/73	Reimbursement	(SP) 12/21/73 PG-22 (C) 7/26/76 PRM 76-2		Provides guidance to supplement regulations concerning processing of reimbursable projects, i.e., projects initiated between 1966 and 1972 at less than the full grant percentage.
19	11/2/73	Nonrestrictive Specifications	(SS) 8/8/75 PG-19A		Reinforces open and free competition; two brand names "or equal" to be used in specifications; prefer use of performance specifications.
19A	8/8/75	Nonrestrictive Specifications	(C) 1/7/81 PRM 81-1	75-5	Reinforces that proprietary products may only be specified when justified; requires that if product description is used, two brands must be provided followed by the words "or equal."

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
22	12/21/73	Reimbursement	(SP) 4/17/74 PG-30 (C) 7/26/76 PRM 76-2		Based on new legislation, application cutoff date and reimbursement computation date extended; no action to be taken on projects between 1956 and 1966.
24	2/7/74	Sewer System Evaluation and Rehabilitation	(SP) 3/15/74 PG-26 (C) 1/7/81 PRM 81-1	75-7	Provides additional guidance and flexibility for a determination by the state or EPA whether excessive I/I does or does not exist.
25	3/1/74	Flood Disaster Protection Act of 1973 (Public Law 93-234)	(SP) 11/4/74 PG-25A (C) 1/7/81 PRM 81-1	75-8	Requires projects in designated flood hazard areas in which federal flood insurance is available to obtain such insurance in order to be eligible for a grant.
25A	11/4/74	Supplement to PG No. 25; Flood Disaster Protection Act of 1973 (PL 93-234)	(SS) 8/16/76 PRM 76-5 (C) 1/7/81 PRM 81-1	75-9	Supplements PG-25 allowing exemption for structures costing $10,000 or less and sewer lines or other buried structures; applicable only to Step 3 grants.
26	3/15/74	Sewer System Evaluation	(C) 7/26/76 PRM 76-2		Transmits "Guidance for Sewer System Evaluation" to assist grantees and engineers.
27	3/20/74	Best Practicable Waste Treatment Technology	(SP) 4/10/75 PG-27A		Transmits technical guidance in a document entitled "Alternative Waste Management Techniques for Best Practicable Treatment."
27A	4/10/75	Best Practicable Waste Treatment Technology	(C) 7/26/76 PRM 76-2		Revises technical requirements to achieve BPWTT particularly with regard to land application techniques.

PG 1974 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
28	4/5/74	User Charge and Industrial Cost Recovery System	(C) 7/9/74 PG-37	75-10	Permits use of ad valorem tax base system for UC (cancelled in PG-37 on 7/9/74); ICR charges may be allocated on a systemwide basis.
30	4/17/74	Approval of Reimbursement Projects Not Previously Serviced by EPA	(C) 8/6/82 CG-82	75-11	Sets forth additional guidance for projects constructed without an EPA grant prior to 10/18/72; collection sewer projects not eligible for reimbursement grants.
33	5/10/74	Grand Funds and Project Segmenting	(C) 8/6/82 CG-82	75-14	Allows project segmenting even though segment does not result in operable project; no EPA commitment for future grant; grantee must agree to make entire project operable; grants for segments must be at 75%.
34	5/7/74	Class Deviation - Use of Force Account Work on Construction Grants Projects	(C) 1/7/81 PRM 81-1	75-15	Allows force account work on Step 1, 2 or 3 projects without dollar limitation; requires grantees to justify use by demonstrating competency and economy.
36	6/5/74	Construction of Pretreatment or Treatment Facilities for Municipal Utilities	(SP) 9/17/74 PG-36A	75-17	Treatment facilities at municipal water treatment utilities to dispose of sludge or other wastes from water treatment no longer eligible for grant after 7/1/74; earlier grants before 6/30/74 not affected by this decision.
36A	9/17/74	Eligibility of Wastewater Treatment Facilities at Municipally Owned Water Treatment Works for Construction Grants	(C) 8/6/82 CG-82	75-18	Provides additional explanation of why waste treatment projects at municipal water treatment utilities are not eligible for construction grants under PL 92-500.

PG 1974 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
37	7/9/74	Cancelling PG-28, User Charges and Industrial Cost Recovery System	(SP) 7/16/76 PG-38 (C) 1/7/81 PRM 81-1	75-19	Reverses earlier decision to allow UC system based on ad valorem taxes (see PG-25, 4/5/74); ICR provisions unchanged.
38	7/16/74	User Charge Systems	(C) 1/7/81 PRM 81-1	75-20	Pending projects are to be advised ad valorem tax based user charge system is not acceptable; existing grant projects to be advised that ad valorem based user charge system must be changed or grant may be withdrawn.
40	9/24/74	Obligations and Payments for Construction Grant Reimbursement Projects	(C) 7/26/76 PRM 76-2		This PG and those which supplement it (40A, B, C and D) primarily discusses internal procedures, schedules, payments and contact with states and grant applicants concerning obligations and grants for reimbursable projects using $1.9 billion appropriated under section 206(a) PL 92-500. However, other items concerning eligibility are also discussed. All five PG's should be read as a group. First round payments to be made based on 50% of applicant's claim for those applicants which had received a previous grant; older "woodwork" projects which had not received a grant to be processed secondly; internally establishes cutoff date of 11/30/74 for submission of information and documentation from applicant to be eligible for a grant.

PG 1974 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
40A	10/18/74	Obligations and Payments for Construction Grant Reimbursement Projects	(C) 7/26/76 PRM 76-2		Cutoff date for submission of documentation by applicants extended to 12/31/74; includes forms to be completed noting percentage of construction completed as of 1/31/74.
40B	11/13/74	Construction Grants Reimbursement Projects Eligible Costs, Printouts, Corrections to PG-40A	(C) 7/26/76 PRM 76-2		Reimbursable eligible costs are for construction completed as of 1/31/74; total grant entitlement (subtracting existing grants made before 1/31/74 limited to 50% or 55%; reiterates guidance stated in PG-22 (12/21/73); eligible work completed after 1/31/74 is not acceptable for computing reimbursement with current $1.9 billion appropriation; total federal assistance from all sources (Farmers Home Administration, Economic Development Administration, etc.) may not exceed 80% of eligible project costs; cutoff date for submission of documentation by applicants on "woodwork" projects extended to 1/31/75.
40C	12/4/74	Obligations and Payments for Construction Grant Reimbursement Projects	(C) 7/26/76 PRM 76-2		Concerns review and confirmation by regional offices of computer printout sheets produced by headquarters; advises that cutoff date of 1/31/75 was published in FR on 11/21/74 (p. 40855).
40D	2/28/75	Second Round Reimbursements	(C) 7/26/76 PRM 76-2		Based on the number of projects (4222) and the amount of funds appropriated for reimbursement ($1.9 billion) in the final EPA grant, percentage for each project is 68.709%; first round reimbursements were limited to 50% of eligible project costs for construction completed by 1/31/74; reimbursement grants may now be increased (in some cases, decreased) to 68.709%.

PG 1974 - 1975 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
42	10/23/74	Engineering Services for Wastewater Treatment Facilities, Revision of Fee Structure	(SS) 7/8/75 PG-53 (C) 7/26/76 PRM 76-2		Prohibits engineering contracts based on "percentage of construction costs" and suggests other acceptable types of contracts; transmits Attachment O to OMB's Circular A-102 and indicates that these procedures should be followed.
43	11/13/74	Policy Re Retention of Payments	(C) 1/7/81 PRM 81-1	75-22	Emphasizes need to make prompt payments to construction contractors and provides 10% retainage until 50% project completion; thereafter reduced to 5% and lower after project substantially complete; may be applied retroactively.
44	12/9/74	Escalation Clauses in Construction Grants Projects	(C) 1/7/81 PRM 81-1	75-23	Restates that escalation of cost clauses are not authorized for construction grants projects.
45	12/11/74	Use of Value Engineering in the EPA Construction Grants Program	(SS) 1/20/76 PG-63		VE is grant eligible when approved in advance; redesign resulting from VE is grant eligible when approved in advance; A/E contracts requiring redesign may be renegotiated from percentage-of-construction type contracts.
47	3/11/75	Relationship Between 201 and 208 Planning	(SS) 2/9/76 PG-66		Establishes coordination procedures between facilities planning and areawide wastewater treatment management plans while both are in the process of development.
49	N/A	Eligibility of Land Acquisition Costs for Land Treatment Processes	(SP) 4/2/76 PG-67 (SP) 12/15/76 PRM 77-5 (C) 8/6/82 CG-82	75-25	Guidance on determination of land eligibility (and ineligibility) for land treatment (effluent not sludge) systems.

PG 1975 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
50	6/6/75	Consideration of Secondary Environmental Effects in the Construction Grants Process	(SP) 3/81 FP-81 (C) 8/6/82 CG-82	75-26	Provides guidance on the evaluation of secondary (growth enducing) environmental effects of projects in order to assure uniform national application.
51	6/25/75	Questionnaire for Review of Facilitiy Plans	(C) 7/26/76 PRM 76-2		Transmits a sample facilities plan review checklist to be used as guidance.
52	7/2/75	Field Survey to Identify Cultural Resources Affected by EPA Construction Grants Projects	(SP) 3/81 FP-81 (C) 8/6/82 CG-82	75-27	Provides guidance on the conduct of field surveys to identify cultural resources; indicates eligibility of survey costs to be made on a case-by-case basis and reasonableness.
53	7/8/75	Interim Guidance - Consulting Engineering Agreements - Title II Construction Grants Program	(C) 7/26/76 PRM 76-2		Provides interim guidance based on proposed regulations dated 5/9/75 and concerns A/E contracts and clauses for inclusion in agreements.
54	7/8/75	Flood Insurance Requirements Effective July 1, 1975	(SS) 8/16/76 PRM 76-5 (C) 1/7/81 PRM 81-1	75-28	If designated as a flood-prone community, grantee must be participating in the flood insurance program to be eligible for grant.
56	8/5/75	EPA Procedures in Initiating Debarment Actions Against Grantee Contractors	(C) 8/6/82 CG-82	75-29	Lists four conditions for initiating debarment proceedings.
57	9/8/75	Cost Control	(C) 8/6/82 CG-82	75-30	Reemphasizes that projects are to be cost effective and provides guidance for evaluating projects including "gold plating" and value engineering.

PG 1975 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
58	9/ /75	Facilitating EIS Preparation with Joint EIS/ Assessments (Piggybacking)	(SP) 3/81 FP-81 (C) 8/6/82 CG-82	75-31	Provides procedures and guidance for the early identification of projects which may require the preparation of an environmental impact statement and procedures for conducting a joint EIS/environmental assessment statement where an acceptable consultant is hired by grantee.
59	2/11/76	Compliance with Title VI in the Construction Grants Program	(SP) 3/81 FP-81 (C) 8/6/82 CG-82	75-32	Requires grantee to comply with the Civil Rights Act; discrimination in providing sewer service is not to be practiced.
60	8/11/75	Discount Rate	(C) 1/7/81 PRM 81-1	75-33	Revised discount rate 6-1/8% effective for all new facilities planning starts.
61	12/16/75	Grants for Treatment and Control of Combined Sewer Overflows and Stormwater Discharges	(SP) 12/3/76 PRM 77-4 (SP) 3/81 FP-81 (C) 1/7/81 PRM 81-1	75-34	Combined sewer projects must demonstrate that they are cost effective compared with other alternatives; stormwater projects generally not fundable except under unusual circumstances; multipurpose projects to be proportioned and grant based on pollution control portion only.
62	12/29/75	Allowable Costs for Construction of Treatment Works That Jointly Serve Municipalities and Federal Facilities	(C) 8/6/82 CG-82	75-35	Federal facilities required to pay their proportional share of design (after 12/29/75) and construction except if federal contribution is 25,000 gallons/day or less or 5% or less of the total design flow.

PG 1976 Continued

PG #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Redesignated PRM No.	Comments
63	1/20/76	Value Engineering in the EPA Construction Grants Program	(C) 8/6/82 CG-82	75-36	VE mandatory for all Step 2 projects after 7/11/76 with total estimated costs of $10 million or greater; encouraged on other projects; redesign costs to implement VE recommendations eligible for grant; VE training costs may be eligible.
64	2/5/76	Allowability/Eligibility of Miscellaneous Costs	(C) 7/26/76 PRM 76-2		Provides detailed guidance on allowability of costs applicable to both earlier (PL 84-660) and later (PL 92-500) projects; lists 35 specific examples (indirect, direct, studies, reports, etc.).
65	5/17/76	User Charge System: Plan and Schedule	(C) 8/6/82 CG-82	75-37	Emphasizes that grantees are to submit with a Step 2 application a realistic and detailed plan and schedule for the development and implementation of a user charge system during Step 3 construction.
66	2/9/76	Relationship Between 201 Facility Planning and Water Quality Management (WQM) Planning	(SP) 3/81 FP-81 (C) 8/6/82 CG-82	75-38	Provides guidance for coordination between the two planning efforts (facilities planning and WQM planning) in order to assure conformity and preclude delays.
67	4/2/76	Eligibility of Land Acquisition Costs for the Ultimate Disposal of Residues from Wastewater Treatment Processes	(SP) 12/15/76 PRM 77-5 (C) 8/6/82 CG-82	75-39	Provides detailed guidance concerning the eligibility of land for disposal of residues (sludge, grit, ashes) including costs which are not allowable.

PROGRAM REQUIREMENTS MEMORANDA (PRM)

1976 - 1981

PROGRAM REQUIREMENTS MEMORANDA (PRM) 1976-1981

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
76-1	7/26/76	Construction Grants Program Issuances	(C) 1/7/81 PRM 81-1	Initiates and explains new PRM and POM system and provides conversion from earlier PG and CG systems.
76-2	7/26/76	Cancellation of Certain Program Guidance Memoranda (PGM)	(C) 1/7/81 PRM 81-1	Lists cancelled PG's and where appropriate reason for cancellation; renumbers and cross references remaining PG's as PRM's all beginning PRM 75-1, -2...
76-3	8/16/76	Presentation of Local Government Costs of Wastewater Treatment Works in Facility Plans	(SP) 6/21/77 PRM 77-8 (SP) 3/81 FP-81	Requires full public disclosure of all project costs and annual or monthly costs to users.
76-4	10/14/76	Coordination of Construction Grants Program with EPA-Corps of Engineers Section 404/Section 10 Permit Programs	(SP) 3/81 FP-81 (C) 1/7/81 PRM 81-1	Grantees with projects impacting wetlands or navigable waters should consult with the Corps of Engineers concerning permits.
76-5	8/16/76	Flood Insurance Requirements	(SP) 3/81 FP-81 (C) 8/6/82 CG-82	Requires Step 3 grantees to participate in flood insurance program where applicable in order to be eligible for grant; supersedes PG's 25, 25A and 54.
77-1	11/23/76	Treatment Works for Recreational Parks, Industrial Parks and Institutions		Municipal treatment works are to have priority over projects solely for recreation and industrial parks and institutions; if new, parks not eligible; if existing, possibly eligible.
77-2	11/29/76	Grants Eligibility of Start-up Services	(C) 8/6/82 CG-82	Generally treatment plant start-up services are eligible for grant participation; includes limitation of services and also discusses retroactive application.

PRM 1977 Continued

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
77-3	11/29/76	Plan of Operation for Municipal Wastewater Treatment Facilities	(C) 8/6/82 CG-82	Guidance for preparing a plan of operation; preliminary plan of operation should accompany plans and specifications at the conclusion of Step 2 projects; includes sample plan of operation and other considerations .
77-4	12/3/76	Cost Allocations for Multiple Purpose Projects	(SP) 3/81 FP-81	Provides rationale and mathematical equations for proportioning costs on projects with multiple purposes (e.g., treatment/flooding/drainage/solid waste disposal, etc.); supplements PG-61.
77-5	12/15/76	Grant Eligibility of Land Acquisition by Leaseholds or Easements for Use in Land Treatment and Ultimate Disposal of Residues	(SP) 2/17/78 PRM 78-4 (C) 8/6/82 CG-82	Costs of leasing land or of obtaining an easement on land for land treatment processes or ultimate disposal of sludge are grant eligible if several conditions are satisfied; supplements PG-49 and PG-67.
77-6	5/4/77	Easements	(C) 5/30/80 PRM 80-3 (C) 1/7/81 PRM 81-1	All new Step 2 work hereafter shall include preliminary easement-related work to avoid future delays; however, grantees not to purchase eligible land before Step 3 award.
77-8	6/21/77	Funding of Sewage Collection System Projects	(SS) 3/8/79 PRM 78-9	Provides guidance on eligibility of sewers with regard to date of substantial habitation (10/18/72); density criteria; evaluation of other alternatives; requires additional work during facilities planning; parts effective immediately and may be retroactive to projects which have not received approval of facilities plans.

PRM 1978 **Continued**

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
78-1	12/29/77	Erosion and Sediment Control in the Construction Grants Program	(C) 8/6/82 CG-82	Provides guidelines and general principles for erosion and sediment control to be used in project planning, design and construction; may be applied retroactively.
78-2	1/26/78	Discount Rate	(C) 1/7/81 PRM 81-1	Revised discount rate 6-5/8% effective 10/1/77; to be used in new facilities plans.
78-3	2/17/78	Buy American	(SS) 7/9/80 PRM 80-5 (C) 1/7/81 PRM 81-1	Step 3 projects must include "Buy American" provisions (preference to domestic construction materials) in construction contracts.
78-4	2/17/78	Grant Eligibility of Land Aquired for Storage in Land Treatment Systems	(C) 8/6/82 CG-82	Land acquired (not lease nor easement) for storage after 12/27/77 is eligible for grant participation; supplements PG-49, PG-67, and PRM 77-5.
78-6	2/17/78	Industrial Cost Recovery - Guidance	(C) 1/7/81 PRM 81-1	Implements the ICR moratorium concerning repayment of federal share of recovered ICR funds; exempts users of 25,000 gal/day from ICR; releases withheld grant payments based on noncompliance with ICR provisions; grantees may collect ICR payments and must continue to develop ICR system.
78-7	2/17/78	Combined Step 2 and Step 3 Construction Grant Awards (Step 2+3)	(C) 1/7/81 PRM 81-1	Allows combined Step 2+3 grants for communities with population of 25,000 or less and project costs $2 million ($3 million in high cost states) or less.

PRM 1978 - 1979 Continued

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
78-8	2/13/78	Rejection of All Bids: Guidance for EPA Concurrence Functions	(C) 8/6/82 CG-82	All bids may be rejected only with good cause and EPA concurrence; grant may be limited to federal share of lowest bid if resolicitation is undertaken.
78-9	3/8/78	Funding of Sewage Collection System Projects	(SP) 3/81 FP-81	Provides guidance on eligibility of sewers with regard to date of substantial habitation (10/18/72); removes density criteria from eligibility determination but allows density criteria for evaluation of alternatives to conventional sewers; requires conventional sewers to be justified based on public health, groundwater pollution or point source pollution; applicable to all projects containing collection systems.
78-10	3/17/81	Infiltration/Inflow Program Guidance	(SP) 3/81 FP-81	Optional simplified procedures for I/I determination; less than 1500 gallons/in. diameter/day considered nonexcessive infiltration.
78-11	5/11/78	Toxicity of Chemical Grout for Sewer Rehabilitation	(C) 8/6/82 CG-82	Notice of alert that a certain grout used in rehabilitating sewers may be toxic and exposure by workers should be completely avoided.
78-12	6/12/78	Preconstruction Lag Management	(SP) 5/30/80 PRM 80-3 (C) 8/6/82 CG-82	Strengthens procedures to avoid construction delays and sets conditions for terminating grant.
79-1	10/23/78	Safety Requirements for the Design and Operation of Chlorination Facilities Using Gaseous Chlorine	(C) 8/6/82 CG-82	Sets forth good engineering practices for safety in design and operation of chlorination facilities; applicable to all new grants and where practicable on existing grants.

PRM 1979 Continued

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
79-2	11/13/78	Royalties for Use of or for Rights in Patents	(C) 8/6/82 CG-82	Royalties to be avoided where possible but if justified are allowable for grant participation; procedures and criteria for justification are set forth in this PRM.
79-3	11/15/78	Revision of Agency Guidance for Evaluation of Land Treatment Alternatives Employing Surface Application	(SP) 3/81 FP-81	Land treatment must be given very serious consideration during facilities planning; three systems must be evaluated; applicable to new facilities plans and those not presently approved; emphasizes agency's commitment to land treatment; pretreatment prior to land application to comply with EPA design manual or possibly unallowable for grant.
79-4	11/17/78	Discount Rate	(C) 1/7/78 PRM 81-1	Revised discount rate 6-7/8% effective 10/1/78; to be used on new facilities plans.
79-5	12/28/78	Construction Incentive Program	(C) 8/6/82 CG-82	Incorporates a voluntary construction incentive clause in Step 3 projects; provides formula for computing financial reward for realized savings; applicable to projects with Step 3 eligible cost of more than $10 million.
79-7	3/9/79	Grant Funding of Projects Requiring Treatment More Stringent than Secondary	(SP) 9/5/79 PRM 79-11	Projects providing greater than secondary treatment are to be justified and receive special review at - EPA regions (less than $1 million) or EPA headquarters (more than $1 million).
79-8	5/9/79	Small Wastewater Systems	(SP) 3/81 FP-81	Sets forth agency policy for funding privately and publicly owned small systems; guidelines for expensive projects; coordination with FmHA; lists other eligible and ineligible costs for small systems.

PRM 1979 - 1980 Continued

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
79-10	7/12/79	Qualifications of Major Items of Equipment	(C) 8/6/82 CG-82	Sets forth procedures for prequalifying equipment without restricting free and open competition.
79-11	9/5/79	Funding of Waste Load Allocations and Water Quality Analysis for POTW Decisions	(C) 8/6/82 CG-82	Grant funds may be used to conduct waste load allocation studies where treatment more stringent than secondary is proposed; requires EPA and state approval.
80-1	11/26/79	Discount Rate	(C) 1/7/81 PRM 81-1	Revised discount rate 7-1/8% effective 10/1/79; to be used on new facilities plans.
80-2	12/20/79	Step 2 and Step 3 Architect/Engineer Level of Effort Study		Announcement of a study to help determine reasonableness of A/E design and inspection costs for grant assisted projects; distributes publication from EPA Dallas regional office concerning level of A/E effort for design and inspection services.
80-3	5/30/80	Management Reforms to Reduce the Time Interval Between Step 3 Grant Award and Initiation of Construction	(C) 8/6/82 CG-82	Sets forth policies and procedures to reduce the time delay between Step 3 grant award and initiation of construction for four problem areas, namely, acquisition of real property (including easements), local funding requirements, service agreements (intermunicipal) and cultural resource investigations.
80-4	7/17/80	Implementation of Women's Business Enterprise Support Program	(SP) 8/29/80 PRM 80-7 (C) 8/6/82 CG-82	Establishes a 2% national goal for participation by women-owned firms in the Construction Grants Program; reasonable WBE liaison services allowable for grant participation.

PRM 1980 - 1981 Continued

PRM #	Dated	Title	Date Cancelled (C) Superseded (SS) Supplemented (SP)	Comments
80-5	7/9/80	Buy American	(C) 8/6/82 CG-82	Sets forth a three-step procedure for evaluating the application of the Buy American provisions; discusses the 50% rule and 6% price preference.
80-6	7/21/80	Retroactive Application of Program Requirements	(C) 1/7/81 PRM 81-1	States agency policy on retroactive application of requirements; in general new requirements do not apply to Step 3 projects under construction or likely to be under construction in six months; new requirements will only apply to existing projects, where necessary to implememt new laws or correct serious program deficiencies.
80-7	8/29/80	Grant Eligibility of Minority Business Enterprise and Women's Business Enterprise Liaison Services	(C) 8/6/82 CG-82	States policy under which MBE and WBE liaison services are eligible for grant participation.
81-1	1/7/81	Issuance of Program Requirement Memorandum		Cancels many previous PRM's; identifies those to be cancelled upon publication of *Facilities Planning 1981* (FP-81).
81-2	11/19/80	Discount Rate	(C) 8/6/82 CG-82	Revised discount rate 7-1/8% effective for all new facilities plans started 60 days after date of PRM, i.e., 1/19/81.

HANDBOOK OF PROCEDURES

1975 - 1984

Allowable and Unallowable Costs	First Edition 7/75	TM No. 76-1* 8/76	TM No. 77-1 1/77	TM No. 78-1 2/78	Second Edition 10/79	Third** Edition 10/84
Acquisition of Privately or Publicly Constructed Waste Treatment Facilities	x				x	
Administration Building						x
AE Services						x
Aesthetics						x
Assistance with State and Federal Regulations	x				x	
Bid Bond Forfeiture	x	x			x	x
Biological "Seeding"	x				x	
Bond Costs	x				x	
Bonus Payments						x
Building Maintenance Equipment						x
Certificate as to Title to Project Site	x				x	
Change Orders						x
Claims (defense)						x
Claims (settlements)						x
Collection System Maintenance Equipment	x				x	x
Computers						x
Crossover Sewers					x	
Defects in Plans and Drawings (Subagreements for Correction of)						x
Delays						x
Demolition of Existing Structures	x				x	x
Federal Facilities	x				x	
Federal Statutory Procedures(Compliance with)						x
Field Surveys to Identify Cultural Resources	x				x	x
Financial Reports and Studies	x				x	
First Year of Operation (A/E)						x
Fringe Benefits	x				x	
Furnishings (incl. Draperies, Furniture, and Office Equipment)	x				x	x

HANDBOOK (Continued)

Allowable and Unallowable Costs	First Edition 7/75	TM No. 76-1* 8/76	TM No. 77-1 1/77	TM No. 78-1 2/78	Second Edition 10/79	Third** Edition 10/84
Grantee Employee Salaries and Benefits						x
Grantee Employees Transportation						x
Grantee Training Workshops	x				x	x
Groundwater Monitoring Facilities	x				x	x
Individual Systems					x	
Industrial (Planning) (Use of Facilities)	x				x	
Infiltration/Inflow						x
Inspection	x				x	x
Labor Charges and Related Costs	x				x	
Laboratory Equipment, Chemicals and Supplies	x				x	x
Liquidated Damages	x				x	x
MBE/WBE Liaison Services						x
Mobile Equipment	x				x	x
New Habitation Capacity or Establishments on Environmentally Sensitive Land						x
Plan of Operation (and O&M manual)						x
Pretreatment Program					x	x
Procurement						x
Professional Liability Insurance						x
Protests (Procurement) (Legal and Engineering Services)						x
Public Liaison Services	x				x	x
Public Participation (On-Site Visits)	x				x	
Rate Studies	x				x	
Redesign/Replanning Costs Resulting from Changes in Federal Requirements	x				x	
Replacement Parts	x				x	
Restoration of Streets and Rights-of-Way	x				x	x
Royalties and Patents					x	x
Safety Equipment	x				x	

HANDBOOK (Continued)

Allowable and Unallowable Costs	First Edition 7/75	TM No. 76-1* 8/76	TM No. 77-1 1/77	TM No. 78-1 2/78	Second Edition 10/79	Third** Edition 10/84
Services (Non-engineering; Required during Construction by State or Local Law)	x				x	x
Shop Equipment	x				x	x
Site Acquisition vs. Site Preparation Costs	x	x	x		x	
Site Screeening						x
Small and Onsite Systems						x
Special Assessment Districts (Establishment of)	x			x	x	
Start-up Services			x		x	x
Subagreements (building)						x
Tools	x			x	x	
Transportation of Liquid or Dewatered Wastes						x
Travel Costs	x				x	x
Uniform Relocation Assistance and Real Property Acquisition Policies						x
Utilities	x				x	

* TM 76-1 contains a revision to the general "Allowability Determinations" and reads, "The cost items listed below are applicable to both PL 84-660 and PL 92-500 projects. In making eligibility determinations, consideration should be given to commitments previously made to grantees in the absence of prior National policy, pertinent statutes or regulations."

** Only those allowable/unallowable costs which are expanded in the Handbook are listed here. "Appendix A" costs (from 2/17/84 regs), which are repeated verbatim in the Handbook but not annotated, have been omitted.

AUDIT RESOLUTION BOARD DECISIONS

AUDIT RESOLUTION BOARD DECISIONS (ARB) 1980 - 1984

ARB Decision Number	Dated *	Title	Comments
1	2/21/80	Allowable Base for Determining Design Fees as a Percentage of Construction Cost	Limits the base for computing design fees on grants awarded under Subpart E to the low, responsive, responsible bid for construction plus (or minus) the cost of change orders approved before 12/17/75 where construction was initiated prior to that date; not applicable if final payment was made before 12/17/75.
1A	1/19/81	Applicability of Paragraph B5 of Appendix D to both PL 84-660 and PL 92-500 Projects (Clarification of Decision on ARB-1)	Concludes that the policies and procedures contained in Appendix D to 40 CFR Part 35 Subpart E entitled "EPA Transition Policy - Existing Consultation Engineering Agreements" is equally applicable to grants awarded under PL 92-500 and section 8 of Public Law 84-660.
2	2/21/80	Allowability of Bond Costs Claimed Under PL 92-500	Bond costs (other than interest) such as expenses to prepare the prospectus, printing, advertising, issuing, etc. are allowable project costs on Step 3 grants awarded on or before 2/5/76; bond costs under PL 92-500 grants awarded after 2/5/76 are not eligible for grant participation.
3	2/21/80	Unaudited Costs Allowed to Match Costs Questioned in Final Audit Report	Additional costs may be claimed by grantee after final audit; however, the additional costs not considered in determining allowable costs until the additional costs are subjected to audit.

* Effective immediately on all cases for which EPA has not yet rendered a final determination.

ARB 1980 - 1984 Continued

ARB Decision Number	Dated *	Title	Comments
4	1/19/81	Unsupported Service Charges	Service charges (as used here, refer to a predetermined percent of actual direct nonsalary items such as special consultants, printing, communication, travel) are allowable for grant participation only if supported by accounting records; many times, a separate pool for these costs is not maintained and they are additionally invoiced as part of the overhead (duplicate billing).
6	1/19/81	Clarification of Construction Grants Regulation 40 CFR 35.925-18 ("Limitation upon project costs incurred prior to award")	Planning and design costs falling within the transition provisions of 40 CFR 35.925-18(a)(2) and (a)(3) may be reimbursed under the next awarded grant regardless of step, i.e., it is not necessary to award individual PL 92-500 Step 1 and Step 2 grants.
8	11/3/81	Allowability of Unsupported Grantee Claims	Reinforces the necessity by the grantee of maintaining records which fully disclose the amount and disposition of grant funds and facilitate an effective audit in order for costs to be allowable for grant participation.
9	11/3/81	Improper Renegotiated Engineering Subagreement Costs - Interim Audit Report No. P2bw9-01-0019-91234	Grantee renegotiated a pre-existing percentage-of-construction-cost contract into a fixed-price contract without adequate negotiation and cost review; therefore, costs allowable for grant participation are limited to incurred costs plus the dollar profit specified in the contract.

* Effective immediately on all cases for which EPA has not yet rendered a final determination.

ARB 1980 - 1984 Continued

ARB Decision Number	Dated *	Title	Comments
10	3/11/82	Effect of a Region's Prior Approval of Construction Grant Specifications Upon the Agency's Ability to Disallow Unreasonable Costs	Unreasonable costs (in the instant case, aesthetic features) are not allowed for grant funding; EPA's review and approval of plans and specifications does not absolve the grantee of its responsibility to properly design and construct the project nor make unallowable costs allowable; in the instant case, the ARB found for the grantee.
11	3/11/82**	Allowability of Undocumented Overtime Charges	Engineer used a cost-multiplier type contract but credited professional employees with compensatory time in lieu of overtime pay; engineer's records could not substantiate that employees used compensatory time and therefore costs are not allowable for grant participation; reinforces documentation and record requirements of ARB decision #4.
13/14	2/24/84	Criteria for assessing the allowability of aesthetic features and landscaping on EPA construction grant projects	Aesthetic features and landscaping allowable if the item is generally allowable item under regulations and there is connection between project and: (1) conformity of facility to surrounding areas (e.g. building style, landscaping; (2) conformity to standard design and construction practices for similar facilities; (3) necessity for public acceptability, avoid environmental degradation or safety; and/or (4) cost-effectiveness.

* Effective immediately on all cases for which EPA has not yet rendered a final determination.

** Effective for all grants awarded prior to issuance of the Handbook of Procedures.

ARB 1980 - 1984 Continued

ARB Decision Number	Dated *	Title	Comments
13 (Addendum No. 1)	2/24/84	Allowability of sprinkler, gate, steps and sidewalk	Costs for lawn sprinkler system, electronically controlled entrance gate, and second set of steps and sidewalk are allowable. The first two items were determined to be functional items with probable justification as labor-saving and cost-effective. The third item was determined not inconsistent with standard design practices for such structures.
13 (Addendum No. 2)	4/18/84	Blue Plains Administrative Building	Aesthetic features allowable because of highly visible location of facility and its public nature.
16	7/24/84	Eligibility of Costs Incurred for Alleged Economic Development Purposes	Sewer lines were constructed in undeveloped areas. ARB concluded that there is not sufficient basis to pursue recovery of appropriate portion of grant because of absence of clear statutory, regulatory or policy guidance in effect at the time of grant identifying the limits of allowable costs for future growth.

* Effective immediately on all cases for which EPA has not yet rendered a final determination.

APPENDIX A

BOARD OF ASSISTANCE APPEALS DECISIONS

SUBJECT INDEX AND CHRONOLOGICAL LISTING

DRAFT

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Current as of February 6, 1985

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* Key: Pending appeals are designated by docket numbers without symbols. Decisions and other determinations of the Board of Assistance Appeals are designated by docket numbers with the following symbols:

† Decided Appeal
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83-74	City of Columbus, Mississippi (Order)	9-20-84
83-91	Borough of Ramsey, New Jersey	9-24-84
83-110	City of Morehead, Kentucky	9-25-84
81-74	Metropolitan Waste Control Commission, St. Paul, Minnesota	9-27-84
83-97	City of Prestonsburg, Kentucky	10-09-84
83-89	City of Kennewick, Washington	10-12-84
83-140	City and County of San Francisco, California	10-12-84
82-74	City of Merced, California (Reconsideration)	10-19-84
83-21	Godfrey Township Utility Board, Illinois	10-26-84
83-11	City of Alma, Georgia	10-31-84
83-73	Greenwood Metropolitan District, Greenwood, South Carolina	10-31-84
81-106	City of Jackson, Mississippi	11-01-84
83-112	City of West Point, Kentucky	11-02-84
83-129	Freeport Sewer District, Maine	11-02-84
83-60	Town of Kennard, Indiana	11-08-84
83-141	Greenwood Metropolitan District, Greenwood, South Carolina	11-09-84
83-05	City of Valdez, Alaska (Reconsideration)	11-21-84
81-74	Metropolitan Waste Control Commission, St. Paul, Minnesota (Reconsideration)	11-30-84

Docket No.	Assistance Appeal Case Name	Date of Decision
83-59	Arlington County, Virgina	11-30-84
83-122	City of Itasca, Texas	11-30-84
83-129	Freeport Sewer District, Maine (Reconsideration)	12-06-84
83-74	City of Columbus, Mississippi	12-18-84
82-99	City of Baytown, Texas	12-19-84
83-106	Bradford Sanitary Authority, Pennsylvania	12-19-84
80-89	Upper Allegheny Joint Sanitary Authority, Pennsylvania	12-26-84
82-65	City of Coppell, Texas	12-28-84
83-39	Pound, Virginia	1-23-85
83-72	City of Lawrence, Kansas	1-23-85
83-135	New Orleans, Louisiana	1-23-85
83-124	Northeast Ohio Regional Sewer District	1-24-85
83-78	Princeton Sanitary Board, West Virginia	1-25-85
83-41	Accident, Maryland	1-29-85
82-106	Fulton County, Georgia	1-30-85
83-58	City of Medford, Wisconsin	1-31-85
83-75	City of Fort Wayne, Indiana	2-06-85

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

PB85 244952/AS

CASE FILE

July 24, 1985

U.S. Department of Commerce
National Technical Information Service
Springfield, VA 22161

ATTN: Input Section

Dear Sir/Madam:

Enclosed are the necessary forms for the submission to the National Technical Information Service and eleven copies of the publication entitled "Regulation and Policy Matrices - A Guide to the Rules Governing Grants Awarded under the Construction Grants Program"). (April 1985)

This publication is an update of the publication entitled "Regulation and Policy Matrix - Guide to the Rules Governing Grants Awarded under the Construction Grants Program" with the order number PB 84234053.

If there are any questions on the enclosed publications or the forms please call me at (202) 382-7373.

Sincerely yours,

Bernita Starks
Environmental Protection Specialist
Fiscal & Administrative Branch
Office of Municipal Pollution Control

Case file